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10 Attorneys for Plaintiffs  
11 JOHN DOE 1, JOHN DOE 2  
12 JOHN DOE 3, JOHN DOE 4  
13 JOHN DOE 5, and JOHN DOE 6

14 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

15 **FOR THE COUNTY OF LOS ANGELES**

16 JOHN DOE 1, an Individual, JOHN DOE 2, an  
17 Individual, JOHN DOE 3, an Individual, JOHN  
18 DOE 4, an Individual, JOHN DOE 5, an  
19 Individual, and JOHN DOE 6, an Individual,

20 Plaintiffs,

21 v.

22 UNIVERSITY OF SOUTHERN  
23 CALIFORNIA, a California Corporation;  
24 DENNIS A. KELLY, M.D., an Individual; and  
25 DOES 1 through 100, inclusive,

26 Defendants.

27 Case No:

28 **COMPLAINT FOR DAMAGES**

1. SEXUAL BATTERY (Civil Code  
§ 1708.5);
2. BATTERY;
3. GENDER VIOLENCE (Civil  
Code Section 52.4);
4. SEXUAL HARASSMENT (Civil  
Code Section 51.9);
5. VIOLATION OF THE UNRUH  
ACT (Civil Code Section 51);
6. VIOLATION OF THE BANE  
ACT (Civil Code Section 52.1);
7. SEXUAL ABUSE AND  
DISCRIMINATION IN AN  
EDUCATIONAL SETTING  
(Education Code Section 220);
8. NEGLIGENT HIRING AND  
RETENTION;
9. NEGLIGENT SUPERVISION;
10. FRAUDULENT  
MISREPRESENTATION;
11. FRAUDULENT  
CONCEALMENT;

KELLOGG & VAN AKEN LLP

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12. NEGLIGENCE  
MISREPRESENTATION  
13. INTENTIONAL INFILCTION  
OF EMOTIONAL DISTRESS;  
14. NEGLIGENCE; and  
15. UNFAIR BUSINESS  
PRACTICES (Business and  
Professions Code Section 17200,  
*et seq.*);

DEMAND FOR TRIAL BY JURY

11 Plaintiffs JOHN DOE 1, JOHN DOE 2, JOHN DOE 3, JOHN DOE 4, JOHN DOE 5, and  
12 JOHN DOE 6 (hereinafter, "Plaintiffs") for causes of action against Defendants UNIVERSITY  
13 OF SOUTHERN CALIFORNIA (hereinafter, "USC"), DENNIS A. KELLY, M.D. (hereinafter,  
14 "Dr. Kelly") and DOES 1 through 100, inclusive, (hereinafter collectively referred to as  
15 "Defendants") hereby allege as follows:

16 **INTRODUCTION**

17 1. This action arises from the discrimination, sexual assault, battery, and abuse of six  
18 young gay and bisexual men while they were students at the University of Southern California in  
19 Los Angeles, California. Dr. Dennis A. Kelly, the only full-time men's sexual health doctor on  
20 staff at USC's Student Health Center, used his position of trust, authority, and power to sexually  
21 abuse, harass, and molest Plaintiffs and discriminate against them based on their sexual  
22 orientation. Dr. Kelly's conduct included, but was not limited to: shaming, humiliating, and  
23 judging Plaintiffs for engaging in sexual acts with men; questioning Plaintiffs' sexual history  
24 using demeaning and derogatory terms, including whether Plaintiffs gave "rim jobs," "ate ass,"  
25 and "sucked dick"; demanding Plaintiffs remove their pants and underwear in front of Dr. Kelly  
26 while he refused to leave the room or provide Plaintiffs with privacy; directing Plaintiffs to climb  
27 onto the medical examination table and get on their hands and knees while they were naked from  
28 the waist down without any standard medical covering, drapery, or robe for privacy; refusing to

1 provide Plaintiffs with a standard medical covering, drapery, or a robe for privacy during  
2 examinations despite Plaintiffs' requests; making inappropriate comments to Plaintiffs during  
3 consultations or examinations regarding their physical appearance or sexual practices; insisting on  
4 performing unnecessary "rectal examinations" on Plaintiffs; failing to provide explanations for the  
5 purpose or reason behind performing "rectal examinations" on Plaintiffs; failing to answer  
6 Plaintiffs' questions regarding the purpose or reason behind performing "rectal examinations" on  
7 Plaintiffs; penetrating Plaintiffs' anuses with his finger(s) and/or medical devices without telling  
8 Plaintiffs what he was doing during the examination; and penetrating Plaintiffs' anuses with his  
9 finger(s) and/or medical devices without any legitimate medical purpose and for no other reason  
10 than to satisfy his own prurient sexual desires and/or to shame, humiliate, and embarrass Plaintiffs  
11 as a result of their sexual orientation and sexual practices.

12        2. Plaintiffs are informed and believe and thereon allege that Dr. Kelly was targeting  
13 the gay and bisexual male student population – all of whom were young adults and many of whom  
14 were visiting the doctor without a parent for the first time – by subjecting them to intrusive and  
15 medically unnecessary “rectal examinations.” Dr. Kelly did not treat heterosexual men in a  
16 similar manner and did not penetrate their anuses or perform rectal examinations on heterosexual  
17 men who had similar sexual practices. Because Dr. Kelly was the only men’s sexual health doctor  
18 at USC, Plaintiffs were forced to receive medical treatment from him for any concern related to  
19 their sexual health which continuously subjected Plaintiffs to Dr. Kelly’s abusive and  
20 discriminatory conduct. Defendant USC entrusted the Plaintiffs’ safety and care to Dr. Kelly.  
21 Despite receiving repeated complaints regarding Dr. Kelly’s misconduct, USC actively and  
22 deliberately failed to investigate, discipline, or address Dr. Kelly’s sexually abusive and  
23 discriminatory behavior and instead, continued to employ Dr. Kelly for years, allowing him  
24 unencumbered access to sexually abuse, harass, and discriminate against Plaintiffs and other male  
25 gay and bisexual USC students in his care.

## **GENERAL ALLEGATIONS**

27           3. Plaintiffs John Doe 1, John Doe 2, John Doe 3, John Doe 4, John Doe 5, and John  
28 Doe 6, at all relevant times herein, resided in the County of Los Angeles, State of California.

1           4. Plaintiffs are informed and believe and thereon allege that Defendant University of  
2 Southern California is, and at all times relevant herein was, a California Corporation, having its  
3 principal place of business in the County of Los Angeles, State of California, and was doing  
4 substantial business in the County of Los Angeles, State of California.

5       5. Plaintiffs are informed and believe and thereon allege that Defendant Dennis A.  
6 Kelly, M.D., at all times relevant herein, was and is an adult male individual over the age of 18  
7 who resides in the County of Los Angeles, State of California.

8       6. Plaintiffs are ignorant of the true names and capacities of defendants sued herein as  
9 Does 1 through 100, inclusive, and therefore sue these defendants by these fictitious names.  
10 Plaintiffs will amend this Complaint to allege the true names and capacities of these defendants  
11 when ascertained. Plaintiffs are informed and believe and thereon allege that each of the  
12 fictitiously named defendants are responsible in some manner for the occurrences alleged in this  
13 Complaint, and that Plaintiffs' damages alleged in this Complaint were proximately caused by  
14 those defendants.

15       7. Plaintiffs are informed and believe and thereon allege that at all relevant times  
16 herein, Defendants and each of them, in addition to acting for himself, herself, or itself and on his,  
17 her, or its own behalf individually, is and was acting as the principal, agent, partner, joint venturer,  
18 officer, director, controlling shareholder, subsidiary, affiliate, parent corporation, successor in  
19 interest, predecessor in interest, servant, employee and/or representative of, and with the  
20 knowledge, consent, and permission of, and in conspiracy with, each and all of the Defendants and  
21 within the course, scope, and authority of those relationships.

22       8. Plaintiffs are further informed and believe and thereon allege that each Defendant  
23 acted pursuant to and within the scope of the relationships alleged above, and that each Defendant  
24 knew or should have known about and authorized, ratified, adopted, approved, controlled, and  
25 aided and abetted the conduct of all other Defendants.

## **JURISDICTION AND VENUE**

27       9.      At all times relevant herein, all Plaintiffs resided in the County of Los Angeles.  
28 Plaintiffs are informed and believe and thereon allege that all Defendants reside in the County of

1 Los Angeles. The conduct described herein was committed in the County of Los Angeles.

2 **JOHN DOE 1**

3 10. Plaintiff John Doe 1 is a male who was born in 1989 and who currently resides in  
4 the County of Los Angeles. Plaintiff John Doe 1 was an undergraduate student at USC from 2009  
5 to 2011.

6 11. In or around December 2009, John Doe 1 made an appointment with USC's  
7 Student Health Center for a routine comprehensive check-up, including testing for sexually  
8 transmitted diseases, as part of his general and sexual health regimen.

9 12. Plaintiff John Doe 1 went to his appointment on December 10, 2009 at the Student  
10 Health Center on USC's campus. Shortly before the appointment began, John Doe 1 met with a  
11 female medical assistant and/or nurse who took his vitals and asked him a series of questions,  
12 including whether John Doe 1 had been sexually active and whether he had ever had sex with  
13 men. John Doe 1 responded that he had had sex with men in the past, but that he had not been  
14 sexually active since his last men's health visit. John Doe 1 informed the medical assistant and/or  
15 nurse that the purpose of his visit was more about his general health and well-being rather than his  
16 sexual health.

17 13. John Doe 1 was taken by USC staff to an examination room. Dr. Kelly entered the  
18 room shortly thereafter so that it was just John Doe 1 and Dr. Kelly in the examination room.  
19 Almost immediately after entering the room, Dr. Kelly began asking John Doe 1 a series of  
20 questions regarding his sexual history, including whether he had ever had sex with men and  
21 whether he had given or received anal sex or oral sex. John Doe 1 replied that he had, but that he  
22 had not been sexually active since his last check-up and testing.

23 14. After John Doe 1 informed Dr. Kelly that he had been sexually active with men in  
24 the past, Dr. Kelly began lecturing John Doe 1 in a judgmental and shaming manner, including  
25 informing John Doe 1 that being sexually active with men put him at high risk for diseases. Dr.  
26 Kelly continued invasive questioning, asking very detailed and specific information about John  
27 Doe 1's sexual activities, including whether he shared sex toys, watched internet porn, or "hooked  
28 up" with people on the internet, making John Doe 1 feel uncomfortable, unsafe, and shamed for

1 his sexual orientation and activities. During Dr. Kelly's questioning, John Doe 1 informed Dr.  
2 Kelly that he did not have any symptoms or concerns related to his sexual health and he was  
3 visiting the doctor as part of his routine wellness testing.

4       15. Despite Plaintiff John Doe 1's lack of symptoms and lack of sexual activity since  
5 his last men's health visit, Dr. Kelly insisted that John Doe 1 have a rectal examination. John Doe  
6 1 was alarmed, and he protested the rectal examination, which he had never had before, as all of  
7 John Doe 1's prior testing for sexually transmitted diseases had been done by blood or urine tests.  
8 Plaintiff John Doe 1 questioned Dr. Kelly as to whether the rectal examination was necessary. Dr.  
9 Kelly insisted it was necessary, and he instructed Plaintiff John Doe 1 to remove his shorts and  
10 underwear and climb onto the examination table on his hands and knees. Dr. Kelly did not leave  
11 the room while John Doe 1 undressed, and Dr. Kelly did not provide Plaintiff John Doe 1 with any  
12 sort of standard medical modesty covering, such as a robe or lap draping, making John Doe 1 feel  
13 exposed and extremely uncomfortable.

14       16. Without saying a word about the details of the examination, the process, or what to  
15 expect, as John Doe 1 was on his hands and knees on the medical examination table undressed  
16 from the waist down, Plaintiff John Doe 1 suddenly felt a squirt of cold lubricant around his anus  
17 and a sharp pain as a circular device was inserted into his rectum without warning. After Plaintiff  
18 winced in pain and tensed up his muscles after the device was inserted into him, Dr. Kelly made  
19 the demeaning and vulgar comment that Plaintiff "need[ed] to learn how to relax." Plaintiff is  
20 informed and believes and thereon alleges that Dr. Kelly's statement was designed to shame,  
21 humiliate, and control John Doe 1 so that he would be silenced and so that Dr. Kelly could  
22 continue the sexual abuse and discrimination of other young gay and bisexual males at USC  
23 without restraint.

24       17. The rectal examination continued for approximately 45 seconds to 1 minute, and at  
25 no time did Dr. Kelly explain what he was doing or what the examination entailed. During the  
26 examination, Dr. Kelly was completely silent as Plaintiff John Doe 1 was splayed on his hands  
27 and knees without any drapery or covering, feeling exposed, humiliated, and distressed. Although  
28 he did not realize it at the time, Plaintiff John Doe 1 now knows that Dr. Kelly was not providing

legitimate medical treatment to him but was instead sexually abusing him to further his own prurient desires and/or to discriminate, shame, humiliate, and embarrass him as a result of his sexual orientation.

4       18. Plaintiff John Doe 1's experience with Dr. Kelly was so uncomfortable, upsetting,  
5 and disturbing that he requested to see a different provider at USC relating to his health on  
6 multiple occasions. USC refused, stating that Dr. Kelly was the only men's health doctor at USC,  
7 and that Plaintiff had to be treated by him.

8       19.     Although Dr. Kelly's purported, "medical examination" caused Plaintiff John Doe  
9 to suffer embarrassment, humiliation, shame, pain, and discomfort, Plaintiff John Doe 1 trusted  
10 that Dr. Kelly was in fact conducting a legitimate medical procedure due to his position of  
11 authority as a physician employed by Defendant USC. Moreover, Plaintiff had no choice but to  
12 receive care from Dr. Kelly, as he was the only full-time men's health physician at Defendant  
13 USC's Student Health Center.

14        20. It was only after May 2018, after the Los Angeles Times published an article  
15 exposing USC's gynecologist George Tyndall of rampant sexual abuse of female students for  
16 decades at USC, and USC's knowledge and concealment of such abuse, that John Doe 1 realized  
17 that Dr. Kelly's treatment of him was not for a legitimate medical purpose, but was rather sexual  
18 abuse committed to discriminate against him based on his sexual orientation and/or for Dr. Kelly's  
19 own sexual gratification.

**JOHN DOE 2**

21       21. Plaintiff John Doe 2 is a male who was born in 1992, and who currently resides in  
22 the County of Los Angeles. Plaintiff John Doe 2 was an undergraduate student at USC from  
23 approximately 2010 to 2014.

24       22. In or around early 2013, Plaintiff John Doe 2 was referred to Dr. Kelly by another  
25 doctor at USC related to symptoms John Doe 2 was experiencing pertaining to his sexual health.  
26 Prior to Plaintiff John Doe 2's appointment with Dr. Kelly, the referring doctor specifically  
27 informed Dr. Kelly that John Doe 2 was interested in men and had been practicing receptive anal  
28 intercourse.

1           23. Plaintiff John Doe 2 had an appointment with Dr. Kelly on March 7, 2013.  
2 Plaintiff John Doe 2 was taken by USC staff to an examination room. Dr. Kelly entered the  
3 examination room and began asking Plaintiff John Doe 2 a series of invasive and uncomfortable  
4 questions regarding his sexual history and experiences, including whether he had sex with men;  
5 whether he was a “top or a bottom;” whether he used or shared sex toys; whether he watched porn  
6 and if so, how often and the length of time he spent watching it; whether he used condoms; how  
7 he met men, including whether he met them in class, in person, or on dating apps; and how long  
8 he would know a person before “hooking up” with them. In response to Dr. Kelly’s questions as  
9 to whether he used condoms, Plaintiff John Doe 2 responded that he sometimes did use condoms  
10 and he sometimes did not. In response, Dr. Kelly told John Doe 2, “That is why you have the  
11 problems that you do. Because you do not use condoms.” Dr. Kelly’s comment made John Doe 2  
12 feel ashamed, embarrassed, and as though the symptoms he was experiencing related to his sexual  
13 health were all his fault. Throughout Dr. Kelly’s questioning, he was cold and callous, making  
14 Plaintiff John Doe 2 feel uncomfortable and unsafe.

15           24. After Dr. Kelly completed his questioning of Plaintiff John Doe 2, he told him that  
16 he needed to examine him. Dr. Kelly instructed John Doe 2 to take off his pants and underwear  
17 and climb onto the examination table on his knees and elbows. Plaintiff John Doe 2 asked Dr.  
18 Kelly if he could have some privacy while he undressed or if he could have a robe to cover his  
19 body, to which Dr. Kelly refused and made the disturbing and inappropriate comment that it was  
20 “just us” and that he was “going to see it anyway.” Dr. Kelly did not leave the room while John  
21 Doe 2 undressed, and Dr. Kelly did not provide Plaintiff John Doe 2 with any sort of standard  
22 medical modesty covering, such as a robe or lap draping, making John Doe 2 feel exposed and  
23 uncomfortable.

24           25. After Plaintiff John Doe 2 climbed onto the examination table in the hands and  
25 knees position undressed from the waist down, Dr. Kelly came over to him, put his bare hand on  
26 his back and pushed down, ordering Plaintiff John Doe 2 to get lower and to get on his elbows.  
27 Plaintiff John Doe 2 was alarmed by Dr. Kelly’s physical contact, which made him feel distressed.  
28 However, given Dr. Kelly’s position of authority, and John Doe 2’s vulnerable position, Plaintiff

1 John Doe 2 complied with Dr. Kelly's instructions.

2       26.     Dr. Kelly then conducted a rectal examination of Plaintiff John Doe 2 by inserting a  
3 long cotton swab into John Doe 2's anus without providing any explanation as to what he was  
4 doing during the examination. During this time, Plaintiff John Doe 2 was on his elbows and knees  
5 and naked from the waist down without any drapery or covering, feeling exposed, humiliated and  
6 distressed. During the rectal examination, Plaintiff John Doe 2 experienced extreme pain such that  
7 he cried out and told Dr. Kelly that the examination was painful. Dr. Kelly responded that the  
8 swab needed to be "inserted that deep" in order for the examination to be thorough. Plaintiff John  
9 Doe 2 has had other rectal examinations since leaving USC, none of which ever caused him to  
10 experience pain as he did during Dr. Kelly's examination.

11       27.     After the examination, Dr. Kelly put gel onto Plaintiff John Doe 2's anus and  
12 instructed him to use his hands to spread his buttocks apart while still on the examination table.  
13 While Plaintiff John Doe 2 was on the examination table, naked from the waist down and  
14 spreading his buttocks apart, Dr. Kelly was behind him and asking him questions about scheduling  
15 the next appointment, making John Doe 2 feel exposed, embarrassed, humiliated and distressed.

16       28.     Plaintiff John Doe 2 saw Dr. Kelly on approximately three more separate occasions  
17 in March, April and May 2013 for treatment related to the sexual health symptoms he was  
18 experiencing. On each occasion, despite Plaintiff John Doe 2's continued requests for privacy, Dr.  
19 Kelly refused to leave the room while John Doe 2 undressed, using excuses that no other rooms  
20 were available, that it was going to take longer if he left, and that he was going to see John Doe 2  
21 naked anyway. On each occasion, Dr. Kelly insisted that John Doe 2 get on his elbows and knees  
22 on the examination table for his treatment, and Dr. Kelly refused to provide any sort of standard  
23 medical covering or drapery for privacy. On each occasion, Dr. Kelly instructed John Doe 2 to  
24 spread his buttocks open while he was naked from the waist down on the examination table, and  
25 while John Doe 2 was doing this, Dr. Kelly would stand behind him and try to make the next  
26 appointment. Dr. Kelly would then leave the room through the door behind John Doe 2 while he  
27 was still on the examination table, and there was no curtain or barrier between John Doe 2 and the  
28 door leading to the highly trafficked hallway making John Doe 2 feel self-conscious, humiliated,

1 embarrassed, and ashamed.

2       29. During one appointment, Plaintiff John Doe 2 asked Dr. Kelly if treatment could be  
3 done while he was laying on his side instead of his hands and knees so that he would be more  
4 comfortable and so that the exam would be less painful. Dr. Kelly refused, stating that such an  
5 examination would purportedly be less “thorough.”

6       30. On one occasion during an appointment with Dr. Kelly, Plaintiff John Doe 2 was  
7 on his elbows and knees naked on the examination table and someone knocked on the door to the  
8 examination room. Dr. Kelly invited the person into the room despite Plaintiff John Doe 2’s  
9 extremely vulnerable and compromising position and without providing Plaintiff John Doe 2 with  
10 any privacy, making Plaintiff John Doe 2 feel mortified, embarrassed, and humiliated. Plaintiff is  
11 informed and believe and thereon alleges that Dr. Kelly invited the stranger into the examination  
12 room while John Doe 2 was on the examination table in order to shame, humiliate, and  
13 discriminate against John Doe 2.

14       31. Plaintiff John Doe 2’s experience with Dr. Kelly was so uncomfortable, upsetting,  
15 and disturbing that he requested to see a different provider at USC relating to his health on  
16 multiple occasions. USC refused, stating that Dr. Kelly was the only men’s health doctor at USC,  
17 and that Plaintiff had to be treated by him.

18       32. On one occasion, when Dr. Kelly was unavailable, John Doe 2 received treatment  
19 from a female physician at USC. She left the room while John Doe 2 undressed, and she provided  
20 him with a robe for privacy. She provided medical treatment to John Doe 2 while he was laying  
21 on his side, rather than his hands and knees, and she made him feel safe and comfortable. John  
22 Doe 2 requested to be treated by the female physician again, but he was told that he would have to  
23 return to Dr. Kelly for the remainder of his treatment.

24       33. As a direct result of Defendants’ actions, Plaintiff John Doe 2 was so confused,  
25 shamed, and traumatized from his experience with Dr. Kelly that he avoided receiving treatment at  
26 USC’s Student Health Center later known as the Engemann Student Health Center so that he  
27 would not have to endure Dr. Kelly’s shaming, judgment, and painful and humiliating  
28 examinations again, thereby compromising his health and wellbeing.

34. Plaintiff is informed and believes and thereon alleges that Dr. Kelly's statements, physical contact, instructions, examinations, and treatment were designed to discriminate against, shame, humiliate, and control John Doe 2 so that he would be silenced and so that Dr. Kelly could continue the sexual abuse and discrimination of other young gay males at USC without restraint.

5       35.     Although Dr. Kelly's purported, "medical examination" caused Plaintiff John Doe  
6     2 to suffer physical pain and discomfort as well as embarrassment, humiliation, and shame,  
7     Plaintiff John Doe 2 trusted that Dr. Kelly was in fact conducting a legitimate medical procedure  
8     due to his position of authority as a physician employed by Defendant USC. Moreover, Plaintiff  
9     had no choice but to receive sexual health care from Dr. Kelly, as he was the only full-time men's  
10    health physician at Defendant USC's Student Health Center later known as the Engemann Student  
11    Health Center.

36. It was only after May 2018, after the Los Angeles Times published an article  
exposing USC's gynecologist George Tyndall of rampant sexual abuse of female students for  
decades at USC, and USC's knowledge and concealment of such abuse, that John Doe 2 realized  
for the first time that Dr. Kelly was not providing legitimate medical treatment to him but was  
instead conducting unnecessary, inappropriate, and painful examinations and treatment and  
sexually abusing him to further his own prurient desires and/or to discriminate, shame, humiliate,  
and embarrass him as a result of his sexual orientation.

JOHN DOE 3

37. Plaintiff John Doe 3 is a male who was born in 1987 and currently resides in  
Denver, Colorado. Plaintiff John Doe 3 was an undergraduate student at USC from approximately  
2007 to 2010.

23       38. While Plaintiff John Doe 3 was a student at USC, he made an appointment with  
24 USC's Student Health Center for a routine standard sexual health check-up and STD testing. This  
25 was the first sexual health appointment that Plaintiff John Doe 3 had ever had as a young adult.

26       39. John Doe 3 went to the USC Student Health Center for his appointment. He was  
27 taken by USC staff to an examination room. Dr. Kelly entered the room shortly thereafter so that  
28 it was just John Doe 3 and Dr. Kelly in the examination room. After entering the room, Dr. Kelly

1 began asking John Doe 3 a series of invasive and uncomfortable questions regarding his sexual  
2 history, including whether he had ever had sex with men and whether he was a “top or a bottom.”  
3 John Doe 3 informed Dr. Kelly that he had participated in sexual activities with men, that he had  
4 only had ever sex with one person with whom he had been in a monogamous relationship, and that  
5 he had no symptoms or concerns related to his sexual health. Dr. Kelly continued his  
6 inappropriate questioning of Plaintiff John Doe 3 and informed him that his sexual activities were  
7 putting him at high risk for contracting sexually transmitted diseases. Plaintiff John Doe 3 was  
8 shocked to hear Dr. Kelly’s risk assessment – especially because Plaintiff John Doe 3 had  
9 considered his sexual activity to be minimal and always responsible. Plaintiff John Doe 3 was  
10 thereafter terrified that he had contracted, or was going to contract, a sexually transmitted disease  
11 or that his health would be compromised. Dr. Kelly’s invasive questioning, baseless  
12 admonishments, and harsh judgmental tone made John Doe 3 feel uncomfortable, unsafe, and  
13 shamed for his sexual orientation and practices.

14       40.      During one appointment, Dr. Kelly pulled out a long cotton swab. Confused,  
15 Plaintiff John Doe 3 asked Dr. Kelly what the cotton swab would be used for. Dr. Kelly told  
16 Plaintiff John Doe 3 that he was going to do an exam. Plaintiff John Doe 3 immediately pushed  
17 back at the thought of a physical examination and asked whether an examination was necessary  
18 since he had only participated in oral sex, had no other symptoms or concerns related to his sexual  
19 health, and had not been recently sexually active. Dr. Kelly responded that since Plaintiff John  
20 Doe 3 “had gotten rimmed,” that it was necessary to perform a rectal examination. He also told  
21 John Doe 3 that the cotton swab was “smaller than a penis or a dildo.” Plaintiff is informed and  
22 believes and thereon alleges that Dr. Kelly used these derogatory terms and his position of power  
23 to shame, humiliate, discriminate, and control John Doe 3 so that he would be silenced and so that  
24 Dr. Kelly could continue his abuse.

25       41.      Plaintiff John Doe 3 continued to protest the examination and he and Dr. Kelly  
26 went back and forth as to the necessity of the examination. After Dr. Kelly continued to insist on  
27 the examination, and because of Dr. Kelly’s position of power and authority and John Doe 3’s  
28 vulnerability, Plaintiff John Doe 3 eventually relented. Dr. Kelly instructed Plaintiff John Doe 3

1 to undress, turn over, and get on his hands and knees on the examination table.

2       42. Dr. Kelly did not leave the room while John Doe 3 undressed, and Dr. Kelly did not  
3 provide Plaintiff John Doe 3 with any sort of standard medical modesty covering, such as a robe  
4 or lap draping, making John Doe 3 feel exposed, embarrassed, and extremely uncomfortable. As  
5 Plaintiff John Doe 3 was on his hands and knees on the examination table without any drapery or  
6 covering, he specifically remembers thinking that Dr. Kelly was enjoying forcing Plaintiff John  
7 Doe 3 into an uncomfortable and humiliating position.

8       43. Without saying a word about the details of the examination, the process, or what to  
9 expect, and as John Doe 3 was on his hands and knees on the medical examination table undressed  
10 from the waist down, Plaintiff John Doe 3 felt lubricant around his anus and Dr. Kelly suddenly  
11 penetrated Plaintiff John Doe 3's rectum with a cotton swab without warning.

12       44. At no time during the rectal examination did Dr. Kelly explain what he was doing  
13 or what the examination entailed. During the examination, Dr. Kelly was completely silent as  
14 Plaintiff John Doe 3 was splayed on his hands and knees without any drapery or covering, feeling  
15 exposed, humiliated, and distressed. Although he did not realize it at the time, Plaintiff John Doe  
16 3 now knows that Dr. Kelly was not providing legitimate medical treatment to him but was instead  
17 sexually abusing him to further his own prurient desires and/or to discriminate, shame, humiliate,  
18 and embarrass him as a result of his sexual orientation.

19       45. Plaintiff John Doe 3's experience with Dr. Kelly was so uncomfortable, upsetting,  
20 and disturbing that he approached an employee at USC, told that employee that Dr. Kelly made  
21 him feel extremely uncomfortable, and requested to see another provider for his sexual health.  
22 The USC employee refused, stating that Dr. Kelly was the only men's health doctor at USC, and  
23 that Plaintiff had to be treated by him.

24       46. Plaintiff John Doe 3 was forced to visit Dr. Kelly on several other occasions during  
25 his time as an undergraduate student for his routine sexual health checkups despite his protests.  
26 During each occasion, Dr. Kelly condemned Plaintiff John Doe 3's sexual behavior, made him  
27 feel ashamed for his actions, and caused him to feel unsafe and bad about himself and his sexual  
28 identity.

1       47.     Although Dr. Kelly's purported "medical examination" caused Plaintiff John Doe 3  
2 to suffer embarrassment, humiliation, shame, pain, and discomfort, Plaintiff John Doe 3 trusted  
3 that Dr. Kelly was in fact conducting a legitimate medical procedure due to his position of  
4 authority as a physician employed by Defendant USC. Moreover, Plaintiff had no choice but to  
5 receive sexual health care from Dr. Kelly, as he was the only full-time men's health physician at  
6 Defendant USC's Student Health Center.

7       48. It was only after May of 2018, after the Los Angeles Times published an article  
8 exposing USC's gynecologist George Tyndall of rampant sexual abuse of female students for  
9 decades at USC, and USC's knowledge and concealment of such abuse, that John Doe 3 realized  
10 for the first time that Dr. Kelly's actions were not for a legitimate medical purpose, but rather were  
11 purely motivated by his own prurient desire to sexually abuse him for his own sexual gratification  
12 and/or discriminate against him based on his sexual orientation.

JOHN DOE 4

14       49. Plaintiff John Doe 4 is a male who was born in 1990 and currently resides in San  
15 Francisco County, California. Plaintiff John Doe 4 was an undergraduate student and student  
16 athlete at USC from 2011 to 2014.

17       50. In order to obtain a male sexual health examination as part of an ordinary medical  
18 health regimen, Plaintiff John Doe 4 made an appointment with the only male sexual health doctor  
19 on staff at USC's student health clinic, Dr. Kelly, in or around March or April 2011. Shortly  
20 before his appointment, Plaintiff John Doe 4 answered a series of questions regarding his sexual  
21 history, which indicated that he was interested in men, that he never had unprotected sex, had  
22 never tested positive for a sexually transmitted infection, and had no symptoms or concerns.

23        51. John Doe 4 was taken by USC staff to an examination room. Dr. Kelly entered the  
24 room shortly thereafter so that it was just John Doe 4 and Dr. Kelly in the examination room. Dr.  
25 Kelly began asking John Doe 4 a series of invasive and uncomfortable questions regarding his  
26 sexual history and experiences, asking John Doe 4 very detailed and specific questions about his  
27 sexual activities, including whether he had sex with men, shared sex toys, paid for sex or had ever  
28 been paid for sex, and how John Doe 4 met his sexual partners. Notwithstanding the fact that at

1 that point John Doe 4 had not had any anal intercourse and had no symptoms or specific concerns  
2 related to his sexual health whatsoever, Dr. Kelly insisted that John Doe 4 have a rectal  
3 examination. John Doe 4 had never had a rectal examination before, as all his prior testing for  
4 sexually transmitted diseases had been done by blood and urine tests and sometimes throat swab  
5 tests. Plaintiff John Doe 4 questioned Dr. Kelly as to why the rectal examination was necessary.  
6 Dr. Kelly informed him that he needed to inspect John Doe 4's anal cavities as part of his routine  
7 "screening" for "eggs and lesions."

8       52.     Dr. Kelly instructed Plaintiff John Doe 4 to remove his pants and underwear in  
9 front of Dr. Kelly and get on "all fours" on the examination table. Dr. Kelly did not leave the  
10 room to allow John Doe 4 privacy while he undressed, and he did not offer any sort of standard  
11 proper modesty covering, such as a robe or lap draping, making John Doe 4 feel exposed and  
12 vulnerable. With his pants and underwear around his ankles, Plaintiff John Doe 4 proceeded to  
13 climb onto the examination table and position himself on his hands and knees.

14       53.     Without saying a word, Dr. Kelly began using his hands to push Plaintiff John Doe  
15 4, pull Plaintiff John Doe 4's hips and buttocks closer to him, and spread Plaintiff JOHN DOE 4's  
16 thighs further apart. John Doe 4 was alarmed and distressed at Dr. Kelly's invasive physical  
17 contact without explanation. Plaintiff John Doe 4 waited in this position with his naked hips and  
18 buttocks in the air for minutes in silence without knowing what was happening because Dr. Kelly  
19 did not explain what he was doing, and John Doe 4 could not see Dr. Kelly because he was on his  
20 hands and knees facing a wall. Without warning or explanation, Dr. Kelly suddenly penetrated  
21 Plaintiff John Doe 4's anus with an unknown lubricated apparatus. The rectal examination  
22 continued for up to a minute, and at no point did Dr. Kelly explain to John Doe 4 what he was  
23 doing or what to expect, except to tell John Doe 4 to "relax," making John Doe 4 extremely  
24 uncomfortable, distressed, and embarrassed.

25       54.     Plaintiff John Doe 4 saw Dr. Kelly on approximately five or six separate occasions  
26 from approximately 2011 through 2014. During each of these routine sexual health examinations  
27 at Defendant USC's Student Health Center, Dr. Kelly instructed John Doe 4 to undress in front of  
28 him without offering any privacy or covering, instructed him to get on "all fours" on the

1 examination table, and insisted on a rectal examination in which he forced his fingers and/or an  
2 unknown apparatus into his anus without explanation or reason.

3        55. In addition to these physical abuses, during John Doe 4's visits, Dr. Kelly made  
4 harassing, vulgar, and inappropriate comments to Plaintiff John Doe 4, including, but not limited  
5 to, commenting on the size of John Doe 4's arm muscles, stating, "you've been working out" and  
6 "you've toned down since we met." Dr. Kelly also lectured John Doe 4 in a judgmental and  
7 shaming manner on each visit including informing Jon Doe 4 that being sexually active with men  
8 put him at high risk for diseases, telling John Doe 4 that "I hope you know that [a prescription for  
9 Truvada] doesn't give you a free pass," making John Doe 4 feel uncomfortable, unsafe, and  
10 shamed for his sexual orientation and sexual practices.

11       56.     Although Dr. Kelly's purported "medical examinations" caused Plaintiff John Doe  
12     4 to suffer embarrassment, humiliation, shame, pain, and discomfort, and in reasonable reliance  
13     upon Defendant USC's active concealment of its knowledge that Dr. Kelly was a sexual predator  
14     and discriminated against men on the basis of their sexual orientation, Plaintiff John Doe 4 trusted  
15     that Dr. Kelly was in fact conducting a legitimate medical procedure due to his position of  
16     authority as a physician employed by Defendant USC. Moreover, John Doe 4 had no choice but  
17     to receive sexual health care from Dr. Kelly, as he was the only full-time men's health physician at  
18     Defendant USC's Student Health Center.

19       57. It was only in or around August of 2018, after the Los Angeles Times published an  
20 article exposing USC's gynecologist George Tyndall of rampant sexual abuse of female students  
21 for decades at USC, and USC's knowledge and concealment of such abuse, that Plaintiff John Doe  
22 4 realized, for the first time, that Dr. Kelly's actions were not for a legitimate medical purpose, but  
23 rather committed to discriminate against him based on his sexual orientation and/or were purely  
24 motivated by Dr. Kelly's own prurient desires and sexual gratification.

**JOHN DOE 5**

26       58. Plaintiff John Doe 5 is a male who was born in 1992 and currently resides in Los  
27 Angeles County, California. Plaintiff John Doe 5 was an undergraduate student at USC from 2010  
28 to 2014.

1       59. In or around September 2012, John Doe 5 was in a committed relationship, and he  
2 and his partner decided to seek male sexual health examinations as a part of their ordinary medical  
3 health regimen and to ensure they were being safe in their sexual relationship before they began  
4 having anal intercourse. Plaintiff John Doe 5 made an appointment with Dr. Kelly, the only male  
5 sexual health doctor on staff at USC's Student Health Center, for a routine comprehensive check-  
6 up, including testing for sexually transmitted diseases.

7       60. Plaintiff John Doe 5 went to his appointment on September 10, 2012 at the Student  
8 Health Center on USC's campus. Shortly before the appointment began, John Doe 5 met with a  
9 female medical assistant and/or nurse who took his vitals and asked about his medical history  
10 before escorting John Doe 5 to Dr. Kelly's examination room.

11       61. Dr. Kelly entered the room shortly thereafter so that it was just John Doe 5 and Dr.  
12 Kelly in the room. Almost immediately after entering the room, Dr. Kelly began asking John Doe  
13 5 a series of invasive and detailed questions regarding his sexual history using inappropriate,  
14 vulgar, and harassing language, including whether he had ever had sex with men, whether he had  
15 given or received anal sex or oral sex, whether he had ever given anyone a "rim job" or gotten a  
16 "rim job" from anyone, whether he was "a top or bottom" and repeatedly referring to the penis as  
17 "dick" and buttocks as "ass," including asking whether John Doe 5 ever "ate ass."

18       62. When John Doe 5 indicated that he had participated in anilingus, Dr. Kelly began  
19 lecturing John Doe 5 in a judgmental and shaming manner, including saying that John Doe 5's  
20 sexual activity with men put him at a very high risk for diseases. Dr. Kelly continued his  
21 questioning, asking very detailed and specific information about John Doe 5's sexual activities,  
22 including whether he paid for sex or had been paid for sex, whether he watched internet porn and  
23 how often, whether he was on any "dating apps," or whether he "hooked up" with people on the  
24 internet, making John Doe 5 feel uncomfortable, unsafe, and shamed for his sexual orientation and  
25 sexual practices. During Dr. Kelly's questioning, John Doe 5 informed Dr. Kelly that he did not  
26 have any symptoms or concerns related to his sexual health, that he had only ever had one other  
27 boyfriend besides his current partner before, that he and his partner were in a committed  
28 monogamous relationship, that he and his partner always used condoms, and that he had never

1 tested positive for any sexual transmitted infection before.

2       63. Notwithstanding John Doe 5's lack of symptoms or concerns and lack of  
3 unprotected sex since his last sexual health visit, Dr. Kelly insisted that John Doe 5 submit to a  
4 physical examination in an examination room. John Doe 5 was surprised that there would be a  
5 physical examination since no one from the Student Health Center, or otherwise, had informed  
6 him that a physical examination would be necessary to conduct testing for sexually transmitted  
7 infections. John Doe 5 was especially surprised that a physical examination was suggested since  
8 he did not have any symptoms or physical concerns that needed to be evaluated. John Doe 5 had  
9 never had a rectal examination before, as his prior testing for sexually transmitted diseases had  
10 been done by blood and urine test. However, this was only John Doe 5's second men's health  
11 examination and one of the first doctor visits he had ever attended as an adult without a parent  
12 present, and he trusted that Dr. Kelly was in fact going to conduct a legitimate medical procedure  
13 due to his position of authority as a physician employed by Defendant USC.

14       64. Dr. Kelly instructed John Doe 5 to remove his pants and underwear and get on his  
15 hands and knees on the examination table. John Doe 5 said, "Okay," and sat waiting for Dr. Kelly  
16 to leave the room to allow him some privacy. However, Dr. Kelly never left, instead continuing to  
17 sit and stare directly at John Doe 5, making John Doe 5 feel extremely uncomfortable. After  
18 almost a half a minute passed, Dr. Kelly continued to sit and stare at John Doe 5 and prompted  
19 him to undress, saying, "Whenever you're ready." John Doe 5 understood that Dr. Kelly was  
20 communicating that he would not leave the room while John Doe 5 undressed, and that he would  
21 not provide John Doe 5 with any sort of standard proper modesty covering, such as a robe or lap  
22 draping. John Doe 5 turned around and undressed while Dr. Kelly stood behind him without  
23 turning around, making John Doe 5 feel exposed, vulnerable, and extremely uncomfortable.

24       65. Without saying a word about the details of the examination, the process, or what to  
25 expect, as John Doe 5 stood with his pants and underwear around his legs and torso bent over the  
26 examination table, Dr. Kelly came up behind John Doe 5 and said, "No, not like that. Put your  
27 knees up on the table and get on all fours." Once up on the examination table, Dr. Kelly used his  
28 hands to physically adjust John Doe 5 and instructed him to arch his back so that he could "get a

1 better feel” for a more “thorough” examination. Then, without any explanation or warning, Dr.  
2 Kelly penetrated John Doe 5 with an unknown apparatus and/or his fingers, circling and moving  
3 them around inside his anus for a prolonged period of time.

4       66.      The rectal examination continued for approximately 45 seconds to 1 minute, and at  
5 no time did Dr. Kelly explain what he was doing or what the examination entailed. During the  
6 examination, Dr. Kelly was completely silent as Plaintiff John Doe 5 was splayed on his hands  
7 and knees without any drapery or covering, feeling exposed, humiliated, and distressed. After Dr.  
8 Kelly completed the “rectal examination” he then instructed Plaintiff John Doe 5 to “flip over”  
9 onto his back and with his genitals fully exposed, asking him to pull his shorts and underwear  
10 down even further. Dr. Kelly then used his hands to physically adjust John Doe 5 and inspect his  
11 genitals and pubic region. Although he did not realize it at the time, Plaintiff John Doe 5 now  
12 knows that Dr. Kelly was not providing legitimate medical treatment to him but was instead  
13 sexually abusing him to further his own prurient desires and/or to discriminate, shame, humiliate,  
14 and embarrass him because of his sexual orientation.

15       67.      Although Dr. Kelly’s purported “medical examination” caused John Doe 5 to suffer  
16 embarrassment, humiliation, shame, pain, and discomfort, and in reasonable reliance upon  
17 Defendant USC’s active concealment of its knowledge that Dr. Kelly was a sexual predator and  
18 discriminated against men on the basis of their sexual orientation, Plaintiff John Doe 5 trusted that  
19 Dr. Kelly was in fact conducting a legitimate medical procedure due to his position of authority as  
20 a physician employed by Defendant USC. Moreover, John Doe 5 had no choice but to receive  
21 sexual health care from Dr. Kelly, as he was the only full-time men’s sexual health physician at  
22 Defendant USC’s Student Health Center.

23       68.      Plaintiff John Doe 5 felt so confused, shamed, and traumatized from his experience  
24 with Dr. Kelly in 2012 that he became fearful of Dr. Kelly and never returned to USC’s Student  
25 Health Center for male sexual health examinations again.

26       69.      It was only in or around September of 2018, after the Los Angeles Times published  
27 an article exposing USC’s gynecologist George Tyndall of rampant sexual abuse of female  
28 students for decades at USC, and USC’s knowledge and concealment of such abuse, that Plaintiff

1 John Doe 5 realized, for the first time, that Dr. Kelly's actions were not for a legitimate medical  
2 purpose, but rather committed to discriminate against him based on his sexual orientation and/or  
3 were purely motivated by Dr. Kelly's own prurient desires and sexual gratification.

4 **JOHN DOE 6**

5 70. Plaintiff John Doe 6 is a male who was born in 1990 and currently resides in Los  
6 Angeles County, California. Plaintiff John Doe 6 was an undergraduate student at USC from 2008  
7 to 2012.

8 71. In order to obtain a male sexual health examination as part of an ordinary medical  
9 health regimen, Plaintiff John Doe 6 made an appointment with the only male sexual health doctor  
10 on staff at USC's Student Health Center, Dr. Kelly, in December 2008. Shortly before his  
11 appointment, Plaintiff John Doe 6 answered a series of questions regarding his sexual history,  
12 which indicated that he was interested in men and women, had never tested positive for a sexually  
13 transmitted infection, and had no symptoms or concerns related to his sexual health. John Doe 6  
14 then met with a medical assistant and/or nurse who took his vitals and asked him questions about  
15 his medical history.

16 72. John Doe 6 was then taken by a USC staff member to an examination room. Dr.  
17 Kelly entered the room shortly thereafter so that it was just John Doe 6 and Dr. Kelly in the  
18 examination room. Almost immediately after entering the room, Dr. Kelly began asking John Doe  
19 6 a series of invasive questions regarding his sexual history, including whether he had ever had  
20 sex with men, whether he had given or received anal sex or oral sex, and whether he ever had  
21 unprotected sex with a man. John Doe 6 replied that he had unprotected sex with a man, to which  
22 Dr. Kelly responded that such an act was, "Dirty," making John Doe 6 feel shamed and  
23 humiliated.

24 73. After John Doe 6 informed Dr. Kelly that he had been sexually active with men in  
25 the past, Dr. Kelly began lecturing John Doe 6 in a judgmental and shaming manner, including  
26 telling John Doe 6 that being sexually active with men put him at high risk for diseases. Dr. Kelly  
27 continued his questioning, asking very detailed and inappropriate information about John Doe 6's  
28 sexual activities, including whether he ever paid or was paid for sex, watched internet porn, or

1 “hooked up” with male partners he met on the internet, making John Doe 6 feel uncomfortable,  
2 unsafe, and shamed for his sexual orientation and activities. During Dr. Kelly’s questioning, John  
3 Doe 6 informed Dr. Kelly that he did not have any symptoms or concerns related to his sexual  
4 health.

5       74. Despite Plaintiff John Doe 6’s lack of symptoms and a lack of sexual activity since  
6 his last sexual health visit, Dr. Kelly insisted that John Doe 6 have a rectal examination. Dr. Kelly  
7 instructed Plaintiff John Doe 6 to remove his pants and underwear and climb onto the examination  
8 table on his hands and knees. Dr. Kelly did not leave the room while John Doe 6 undressed, and  
9 Dr. Kelly did not provide Plaintiff John Doe 6 with any sort of standard medical modesty  
10 covering, such as a robe or lap draping, making John Doe 6 feel exposed, vulnerable, and  
11 extremely uncomfortable.

12       75. Without saying a word about the details of the examination, the process, or what to  
13 expect, as John Doe 6 was on his hands and knees on the medical examination table undressed  
14 from the waist down, Dr. Kelly suddenly penetrated Plaintiff John Doe 6’s anus with an unknown  
15 lubricated apparatus and/or his fingers. The rectal examination continued for up to a minute, and  
16 at no point did Dr. Kelly explain to John Doe 6 what he was doing or what to expect.

17       76. During the examination, Dr. Kelly was completely silent as Plaintiff John Doe 6  
18 was splayed on his hands and knees without any drapery or covering, feeling exposed, humiliated,  
19 and distressed. Although he did not realize it at the time, Plaintiff John Doe 6 now knows that Dr.  
20 Kelly was not providing legitimate medical treatment to him but was instead sexually abusing him  
21 to further his own prurient desires and/or to discriminate, shame, humiliate, and embarrass him  
22 based on his sexual orientation.

23       77. Although Dr. Kelly’s purported “medical examination” caused Plaintiff John Doe 6  
24 to suffer embarrassment, humiliation, shame, pain, and discomfort, and in reasonable reliance  
25 upon Defendant USC’s active concealment of its knowledge that Dr. Kelly was a sexual predator  
26 and discriminated against men on the basis of their sexual orientation, and Plaintiff John Doe 6  
27 trusted that Dr. Kelly was in fact conducting a legitimate medical procedure due to his position of  
28 authority as a physician employed by Defendant USC. Moreover, John Doe 6 had no choice but

1 to receive sexual health care from Dr. Kelly, as he was the only full-time men's health physician at  
2 Defendant USC's Student Health Center.

3       78.     A little over a week after his visit with Dr. Kelly, Plaintiff John Doe 6 emailed the  
4 USC Student Health Center to request that the results of his laboratory testing be sent to him  
5 electronically. The next day, Dr. Kelly replied to John Doe 6's email stating: "Questions, other  
6 than lab results are best handled in person. Please either stop by or if detailed, make a follow up  
7 appointment." Dr. Kelly also provided a list of his office hours. Horrified that Dr. Kelly was  
8 asking him to come back in to see him, and to limit any additional contact with him, Plaintiff John  
9 Doe 6 responded again requesting that his results be sent electronically, stating that he would  
10 review the results and would schedule an appointment if he had any questions. Dr. Kelly then  
11 responded that John Doe 6's testing was all normal and asked John Doe 6 to let him know if he  
12 could help him again. John Doe 6 did not respond and hoped that would be the end of it. A few  
13 days later, Dr. Kelly emailed John Doe 6 stating that he saw that no HIV testing was done and  
14 asked, "is this something that you wanted?" Again, horrified that Dr. Kelly was suggesting he  
15 come back in for a visit, and to limit any additional contact with him, John Doe 6 responded that  
16 he did not want HIV testing.

17       79.     Plaintiff John Doe 6 felt so confused, shamed, and traumatized from his experience  
18 with Dr. Kelly in 2008 that he became fearful of Dr. Kelly and requested to be seen by a different  
19 doctor at USC for a subsequent male sexual health examination the following year. At Plaintiff  
20 John Doe 6's subsequent male sexual health examination with Dr. Kevin Kwak, Dr. Kwak did not  
21 ask Plaintiff John Doe 6 any of the same invasive questions regarding his sexual history that Dr.  
22 Kelly did. He instead asked generally about John Doe 6's sexual history and then recommended  
23 that John Doe 6 provide a urine and blood sample for routine testing. Plaintiff John Doe 6  
24 complained to Dr. Kwak that at his previous visit with Dr. Kelly, Dr. Kelly insisted that John Doe  
25 6 submit to a rectal examination as part of his men's health visit. Dr. Kwak stated that a rectal  
26 exam was not necessary and remarked "that shouldn't have happened."

27       80.     Although Plaintiff John Doe 6 remained traumatized and haunted by his 2008 visit  
28 with Dr. Kelly, it was only in or around September of 2018, after the Los Angeles Times

1 published an article exposing USC's gynecologist George Tyndall of rampant sexual abuse of  
2 female students for decades at USC, and USC's knowledge and concealment of such abuse, that  
3 Plaintiff John Doe 6 realized, for the first time, that Dr. Kelly's actions were not for a legitimate  
4 medical purpose, but rather committed to discriminate against him based on his sexual orientation  
5 and/or were purely motivated by Dr. Kelly's own prurient desires and sexual gratification.

6                   **FACTUAL ALLEGATIONS RELEVANT TO ALL PARTIES**

7       81. Plaintiffs were young male gay or bisexual undergraduate students at USC when  
8 they were subjected to the unlawful behavior by Dr. Kelly, as described herein. Many were  
9 inexperienced in the kinds of intimate examinations that gave rise to the claims asserted herein.

10      82. Plaintiffs are informed and believe and thereon allege that Dr. Kelly received his  
11 medical degree in 1972 from the University of Pittsburgh School of Medicine, and he received his  
12 medical license on March 20, 1974. Plaintiffs are further informed and believe and thereon allege  
13 that Defendant USC thereafter hired Dr. Kelly as a full-time physician to address men's sexual  
14 health at its Student Health Center later known as the Engemann Student Health Center.

15      83. Plaintiffs are informed and believe and thereon allege that during his tenure at  
16 USC, Dr. Kelly sexually abused and molested dozens of young male gay and bisexual students,  
17 including Plaintiffs, through the use of his position, power, authority, and trust as the only full-  
18 time men's health specialist employed by USC Student Health Services. At all times alleged  
19 herein, Dr. Kelly was an employee, agent, and/or servant of Defendant USC and Does 1 through  
20 100, and/or was under their complete control and/or direct supervision.

21      84. Plaintiffs are informed and believe and thereon allege that Dr. Kelly was retained as  
22 a men's health physician to provide medical care and treatment to young men attending USC as  
23 undergraduate and graduate students, most of whom were very young adults and many of whom  
24 had never had any sexual health visits prior to attending USC. It was through this position of trust  
25 and confidence that Dr. Kelly exploited Plaintiffs in perpetrating his sexual abuse and battery upon  
26 Plaintiffs and discriminating against Plaintiffs based on their sexual orientation. Plaintiffs are  
27 informed and believe and thereon allege that all of the sexually abusive, harassing, and  
28 discriminatory conduct alleged herein was done to satisfy Dr. Kelly's own prurient sexual desires

1 and/or to shame, humiliate, and embarrass Plaintiffs as a result of their sexual orientation.

2       85. Plaintiffs are informed and believe and thereon allege that in hiring Dr. Kelly as its  
3 only full-time men's sexual health physician, Defendant USC gave Dr. Kelly full power, control,  
4 and authority to treat and provide men's sexual health medical care to its undergraduate and  
5 graduate students. By continuing to employ Dr. Kelly, USC held Dr. Kelly out to be a  
6 professional and legitimate men's health physician.

7       86. Plaintiffs are informed and believe and thereon allege that at all times relevant  
8 herein, Defendant USC owned, operated, maintained, controlled, and staffed its Student Health  
9 Center later known as the Engemann Student Health Center. Defendant USC promoted its Student  
10 Health Center as a safe place where students could obtain high quality medical treatment, and  
11 USC encouraged men to receive regular sexual health checkups to ensure their health and  
12 wellness.

13       87. Plaintiffs are informed and believe and thereon allege that at all times relevant  
14 herein, Plaintiffs were under Defendants USC, Dr. Kelly, and Does 1 through 100's complete  
15 control, dominion, and supervision when they were subjected to the discriminatory behavior and  
16 sexual misconduct of Dr. Kelly as described herein.

17       88. All Plaintiffs were undergraduate students and paid for health services at USC.  
18 Defendant USC caused them to be directed to its Student Health Center later known as the  
19 Engemann Student Health Center for, among other things, men's sexual health care. The Student  
20 Health Center assigned these Plaintiffs to see Dr. Kelly for any and all examinations, treatment,  
21 testing, and/or concerns related to their sexual health. Some of the Plaintiffs had never received  
22 any examination, treatment, or testing related to their sexual health before seeing Dr. Kelly.  
23 Plaintiffs put their full trust and confidence in Dr. Kelly, assuming his advice, conduct, and  
24 treatment during the examinations were necessary and appropriate.

25       89. At all times relevant herein, a special relationship arose among Defendants USC  
26 and Dr. Kelly, acting on its own or through the Student Health Center, on the one hand, and each  
27 Plaintiff, on the other hand, and Defendants stood in the position of a fiduciary toward each of the  
28 Plaintiffs by virtue of (1) the patient-health care provider relationship that arose; (2) the superior

1 knowledge that Defendants possessed with respect to standards of care, discriminatory conduct,  
2 and allegations against Dr. Kelly; and (3) each Plaintiff's dependence upon the Defendants for  
3 information regarding their treatment.

4       90. Plaintiffs are informed and believe and thereon allege that because of the  
5 relationship between Plaintiffs and Defendants, Defendants had an obligation and a duty under the  
6 law to, among other things, make a full and fair disclosure to each Plaintiff of all facts which  
7 materially affected his rights and interests and to disclose to each Plaintiff the full extent of Dr.  
8 Kelly's discriminatory and sexual misconduct and/or Defendant USC's errors, omissions, and  
9 concealments related to Dr. Kelly's discriminatory and sexual misconduct. Additionally, each  
10 Plaintiff had the right to make an informed decision about whether to subject himself to treatment  
11 by Dr. Kelly.

12       91. Plaintiffs are further informed and believe and thereon allege that because of the  
13 relationship between Plaintiffs and Defendants, Defendants had an obligation and duty under the  
14 law not to hide material facts and information about Dr. Kelly's past sexual misconduct and  
15 discrimination. Defendant USC failed to fulfill its fiduciary duty to disclose Dr. Kelly's wrongful  
16 actions. Additionally, Defendants had an affirmative duty to warn, inform, and institute  
17 appropriate protective measures to safeguard patients who were reasonably likely to come in  
18 contact with Dr. Kelly. Defendants willfully refused to notify, give adequate warning, or  
19 implement appropriate safeguards, and that failure was willful, intentional, and in reckless  
20 disregard for the Plaintiffs' respective rights and safety. That failure was the product of Defendant  
21 USC's selfish desire to promote or preserve its own reputation and revenues without regard for the  
22 Plaintiffs' rights, choices, and safety.

23       92. Plaintiffs are informed and believe and thereon allege that during Dr. Kelly's  
24 employment with Defendant USC, Dr. Kelly discriminated against, sexually battered, abused,  
25 harassed and engaged in other unlawful behavior with young male gay and bisexual students,  
26 other than Plaintiffs, who saw Dr. Kelly for treatment, examinations, and/or consultations.  
27 Plaintiffs are informed and believe and thereon allege that young male gay and bisexual students  
28 other than Plaintiffs made complaints to USC regarding Dr. Kelly's misconduct, but USC failed to

1 take any action related to such complaints.

2       93. Plaintiffs are informed and believe and thereon allege that Defendant USC knew,  
3 should have known, and/or were put on notice of Dr. Kelly's past sexual abuse and discrimination  
4 toward young gay and bisexual male students, and USC intentionally failed to take any  
5 appropriate action to protect gay and bisexual male students from unlawful behavior by Dr. Kelly  
6 in order to protect the reputation and revenues of USC and to avoid legal liability.

7       94. Plaintiffs are further informed and believe and thereon allege that Defendant USC  
8 concealed the fact that gay and bisexual male students had complained about Dr. Kelly in order to  
9 protect the revenues and reputation of USC and to avoid legal liability.

10     95. Plaintiffs are informed and believe and thereon allege that Defendants failed to  
11 implement reasonable safeguards to avoid acts of unlawful sexual misconduct and discrimination  
12 by Dr. Kelly in the future, including avoiding placement of Dr. Kelly in a position where contact  
13 and interaction with vulnerable patients and students is an inherent function.

14     96. Plaintiffs are informed and believe and thereon allege that Defendants failed to  
15 adequately train and supervise all staff to create a positive and safe environment, specifically  
16 including training to perceive, report, and stop inappropriate sexual misconduct and discrimination  
17 by other members and staff. Plaintiffs are informed and believe and thereon allege that  
18 Defendants failed to adopt and implement safety measures, policies, and procedures designed to  
19 protect patients such as Plaintiffs from sexually exploitative and discriminatory acts by  
20 Defendants' agents and employees.

21     97. Plaintiffs are informed and believe and thereon allege that Defendants USC and Dr.  
22 Kelly entered into a conspiracy, the object of which was to conceal the fact that students and/or  
23 Defendant USC employees had complained of sexually improper behavior and discriminatory  
24 behavior by Dr. Kelly, to conceal the fact that Dr. Kelly had been known to sexually batter gay  
25 and bisexual male patients, and to enable Dr. Kelly to continue practicing medicine without  
26 restriction.

27     98. Plaintiffs are informed and believe and thereon allege that Defendants USC and Dr.  
28 Kelly conspired to conceal Defendant USC's negligence in supervising Dr. Kelly and acted in

1 furtherance of that conspiracy. Plaintiffs are further informed and believe and thereon allege that  
2 in furtherance of that conspiracy, Defendant USC and Dr. Kelly ensured that complaints of sexual  
3 misconduct, suspected sexual misconduct, or discrimination by Dr. Kelly towards male gay and  
4 bisexual patients were effectively ignored, inadequately investigated, or falsely found to be  
5 without merit.

6       99. Plaintiffs are informed and believe and thereon allege that in furtherance of the  
7 above conspiracy, rather than reporting Dr. Kelly to any legal authorities and/or the California  
8 Medical Board, and/or the students and staff at USC, including Plaintiffs, Defendant USC sought  
9 to preserve its reputation and ensure that USC's fundraising efforts were not adversely affected,  
10 and actively concealed and allowed Dr. Kelly to continue his abuse, harassment, and  
11 discrimination of young male gay and bisexual students at USC.

12      100. It was not until after media reports, including a publication by the Los Angeles  
13 Times in May 2018 exposing USC's gynecologist Dr. George Tyndall of rampant sexual abuse of  
14 female students for decades at USC, and USC's concealment and knowledge of such sexual abuse,  
15 that Plaintiffs became aware that Dr. Kelly's behavior during their examinations was unlawful and  
16 not for a legitimate medical purpose and that his actions during the examination were committed  
17 to discriminate against them based on their sexual orientation and/or for Dr. Kelly's own prurient  
18 interests and sexual gratification.

19      101. Plaintiffs are informed and believe and thereon allege that Defendant USC  
20 engaged in a pattern and practice of ignoring complaints, failing to investigate sexual abuse and  
21 discrimination complaints, deliberately concealing information from victims, and contributed to a  
22 sexually hostile and discriminatory environment on campus at USC. Plaintiffs are further  
23 informed and believe and thereon allege that USC had and continues to have a pattern and practice  
24 of putting their profits, reputation, and prospect of financial gain over the health, safety, and well-  
25 being of its students. For example, according to media reports which emerged in or around the  
26 summer of 2018, Plaintiffs are informed and believe and thereon allege that Defendant USC knew  
27 of gynecologist Dr. George Tyndall's sexual abuse of female students since at least 1990 or 1991  
28 when female patients, students, and USC employees complained about Dr. George Tyndall's

1 inappropriate sexual misconduct. Plaintiffs are informed and believe and thereon allege that  
2 instead of informing students of Dr. George Tyndall's behavior, reporting him to the California  
3 Medical Board, reporting him to legal authorities, or terminating his position at USC, USC  
4 actively concealed Dr. George Tyndall's unlawful behavior, allowed Dr. George Tyndall to  
5 continue treating patients for decades, and permitted Dr. George Tyndall to quietly resign his  
6 position and paid him a generous monetary settlement in or about June 2017.

7       102. Plaintiffs are informed and believe and thereon allege that it was not until after such  
8 media reports in or around May 2018 that Plaintiffs realized that USC similarly failed to take  
9 appropriate action with respect to complaints regarding Dr. Kelly, failed to protect its students  
10 from Dr. Kelly's conduct, allowed Dr. Kelly to continue treating patients for years, and actively  
11 concealed complaints of Dr. Kelly's misconduct.

12       103. In subjecting Plaintiffs to the wrongful treatment described herein, Defendants Dr.  
13 Kelly, USC, and Does 1 through 100 acted willfully and maliciously with the intent to harm  
14 Plaintiffs and in conscious disregard of Plaintiffs' rights and safety so as to constitute malice  
15 and/or oppression under Civil Code section 3294. Plaintiffs are informed and believe and thereon  
16 allege that Defendants, under the authority as an educational institution and medical provider,  
17 acted with reckless disregard for the concern of its student-patients in its charge in order to  
18 maintain funding and further financially benefit its business's growth. Plaintiffs are further  
19 informed and believe and thereon allege that Defendants acted intentionally in creating an  
20 environment of sexual abuse and discrimination, in putting its vulnerable young students at risk of  
21 harm, and in ignoring warning signs and complaints about ongoing sexual abuse and  
22 discrimination, all to maintain a façade of normalcy in order to uphold its funding and provide  
23 Defendants with further financial growth. The safety of the student-patients that were entrusted to  
24 Defendants was compromised due to Defendants' desire to maintain the status quo and to continue  
25 to enjoy the financial support of the alumni of USC and to avoid any public scrutiny. Plaintiffs are  
26 thus informed and believe and thereon allege that these willful, malicious, and/or oppressive acts,  
27 as alleged herein, were ratified by the officers, directors, and/or managing agents of the  
28 Defendants, and Plaintiffs are therefore entitled to recover punitive damages in an amount to be

1 determined by proof against Defendants at trial.

2           104. As a direct result of the sexual abuse, harassment, and discrimination by Dr. Kelly,  
3 and USC's pattern and practice of concealment, fraud, and endangerment of their student  
4 population for the benefit of their own reputation and financial gain, Plaintiffs have had difficulty  
5 in meaningfully interacting with others including family, friends, and partners, and those in  
6 positions of authority over Plaintiffs including physicians, supervisors, and superiors at work. It  
7 has further caused Plaintiffs to suffer special and general damages, including but not limited to  
8 severe emotional distress, lack of trust, nervousness, anxiety, worry, mortification, humiliation,  
9 embarrassment, depression, shame, sadness, anger and fear.

**FIRST CAUSE OF ACTION**

12       105. Plaintiffs re-allege and incorporate by reference all allegations set forth in the  
13 preceding paragraphs as though fully set forth herein.

14        106. California Civil Code section 1708.5 provides: A person commits a sexual battery  
15 who does any of the following: (1) acts with the intent to cause a harmful or offensive contact with  
16 an intimate part of another, and a sexually offensive contact with that person directly or indirectly  
17 results; (2) acts with the intent to cause a harmful or offensive contact with another by use of his  
18 or her intimate part, and a sexually offensive contact with that person directly or indirectly results;  
19 (3) acts to cause an imminent apprehension of the conduct described in paragraph (1) or (2) and a  
20 sexually offensive contact with that person directly or indirectly results.

107. California Civil Code section 1708.5(d) defines “intimate part” as the sexual organ, anus, groin, or buttocks of any person, or the breast of a female.

23        108. California Civil Code section 1708.5(f) defines “offensive contact” to mean contact  
24 that offends a reasonable sense of personal dignity.

25       109. Plaintiffs allege that during Plaintiffs' time as students with Defendant USC,  
26 Defendant Dr. Kelly committed the act of civil sexual battery in violation of California Civil Code  
27 section 1708.5 when he intentionally, recklessly, and wantonly did acts which intended to, and did  
28 result in, harmful and offensive contact with intimate parts of Plaintiffs' persons, including but not

1 limited to inappropriately probing, touching, fondling, and/or penetrating Plaintiffs' anuses,  
2 beginning in or around 2007 and lasting through the duration of Plaintiffs' tenure with Defendants  
3 USC to in and around 2014. Such contact offended Plaintiffs' reasonable sense of personal  
4 dignity.

5           110. As a direct and proximate result of Defendant Dr. Kelly's unlawful conduct as  
6 alleged herein, Plaintiffs have suffered and continue to suffer economic loss, emotional distress,  
7 humiliation, embarrassment, anxiety, depression, shame, sadness, fear, anger, loss of self-esteem,  
8 loss of enjoyment of life, and impairment of daily life activities, all in an amount exceeding the  
9 jurisdictional limitations of the Superior Court and in an amount according to proof at trial.

10       111. The aforementioned conduct by Defendant Dr. Kelly was willful, wanton, and  
11 malicious. At all relevant times herein, Dr. Kelly acted with conscious disregard of the Plaintiffs'  
12 rights and feelings. Dr. Kelly also acted with the knowledge of or with reckless disregard for the  
13 fact that his conduct was certain to cause injury and/or humiliation to Plaintiffs. Plaintiffs are  
14 further informed and believe and thereon allege that Dr. Kelly intended to cause fear, physical  
15 injury, humiliation, embarrassment and/or pain and suffering to the Plaintiffs. By virtue of the  
16 foregoing, Plaintiffs are entitled to recover punitive damages from Dr. Kelly according to proof at  
17 trial.

## **SECOND CAUSE OF ACTION**

# Battery

**(Plaintiffs Against Defendant Dr. Kelly and Does 1 through 100)**

20       112. Plaintiffs re-allege and incorporate by reference all allegations set forth in the  
21 preceding paragraphs as though fully set forth herein.

113. In performing the acts described herein, Dr. Kelly acted with the intent to make a  
harmful and offensive contact with Plaintiff's person and did, in fact, bring himself into offensive  
and unwelcome contact with Plaintiffs ask described above.

25        114. At all relevant times, Plaintiffs found the contact by Dr. Kelly to be offensive to  
26 their person and dignity. At no time did Plaintiffs knowingly consent to any of the acts by  
27 Defendant Kelly as alleged herein.

28 115. As a result of Dr. Kelly's acts described above, Plaintiffs were harmed and/or

1 offended by Dr. Kelly's conduct, and a reasonable person in Plaintiffs' situation would have been  
2 harmed and/or offended by the touching.

3        116. As a direct and proximate result of Defendant Dr. Kelly's unlawful conduct as  
4 alleged herein, Plaintiffs have suffered and continue to suffer economic loss, emotional distress,  
5 humiliation, embarrassment, anxiety, depression, shame, sadness, fear, anger, loss of self-esteem,  
6 loss of enjoyment of life, and impairment of daily life activities, all in an amount exceeding the  
7 jurisdictional limitations of the Superior Court and in an amount according to proof at trial.

8       117. The aforementioned conduct by Defendant Dr. Kelly was willful, wanton, and  
9 malicious. At all relevant times herein, Dr. Kelly acted with conscious disregard of the Plaintiffs'  
10 rights and feelings. Dr. Kelly also acted with the knowledge of or with reckless disregard for the  
11 fact that his conduct was certain to cause injury and/or harm to Plaintiffs. Plaintiffs are further  
12 informed and believe and thereon allege that Dr. Kelly intended to cause fear, physical injury,  
13 humiliation, embarrassment and/or pain and suffering to the Plaintiffs. By virtue of the foregoing,  
14 Plaintiffs are entitled to recover punitive damages from Dr. Kelly according to proof at trial.

**THIRD CAUSE OF ACTION**  
Gender Violence in Violation of Civil Code § 52.4  
(Plaintiffs Against Defendant Dr. Kelly and Does 1 through 100)

17        118. Plaintiffs re-allege and incorporate by reference all allegations set forth in the  
18 preceding paragraphs as though fully set forth herein.

19        119. Dr. Kelly's acts committed against Plaintiffs, as alleged herein, including the  
20 sexual abuse, harassment, molestation and discrimination of Plaintiffs constitutes gender violence  
21 and a form of sex discrimination in that one or more of Dr. Kelly's acts would constitute a  
22 criminal offense under state law that has an element the use, attempted use, or threatened use of  
23 physical force against the person of another, committed at least in part based on the gender of the  
24 victim, whether or not those acts have resulted in criminal complaints, charges, prosecution or  
25 conviction.

26        120. Dr. Kelly's acts committed against Plaintiffs as alleged herein, including the sexual  
27 harassment, molestation, and abuse of the Plaintiffs constitutes gender violence and a form of sex  
28 discrimination in that Dr. Kelly's conduct caused a physical intrusion or physical invasion of a

1 sexual nature upon Plaintiffs under coercive conditions, whether or not those acts have resulted in  
2 criminal complaints, charges, prosecution, or conviction.

3       121. As a direct and proximate result of Dr. Kelly's acts, Plaintiffs are entitled to actual  
4 damages, compensatory damages, punitive damages, injunctive relief, any combination of those,  
5 or any other appropriate relief. Plaintiffs are further entitled to attorney's fees and costs pursuant  
6 to Civil Code section 52.4, subsection (a).

## **FOURTH CAUSE OF ACTION**

**Sexual Harassment in Violation of Civil Code § 51.9  
(Plaintiffs Against Defendant USC and Does 1 through 100)**

9       122. Plaintiffs re-allege and incorporate by reference all allegations set forth in the  
10 preceding paragraphs as though fully set forth herein.

11       123. During Plaintiffs' time as students at Defendant USC and Does 1 through 100, Dr.  
12 Kelly intentionally, recklessly, and wantonly made sexual advances, requests, and demands for  
13 sexual compliance of a hostile nature based in part on Plaintiffs' gender and/or sexual orientation  
14 that were unwelcome, pervasive, and severe, including but not limited to, Dr. Kelly  
15 inappropriately probing, touching, fondling, and/or penetrating Plaintiffs' anuses, all under the  
16 supervision of Defendants, who were acting in the course and scope of their agency with  
17 Defendants and each of them.

18       124. The incidents of abuse outlined herein took place while Plaintiffs were under the  
19 control of Dr. Kelly and Defendants USC and Does 1 through 100, in their capacity and position  
20 as supervisors of physicians, medical professionals, and staff at USC and Does 1 through 100, and  
21 while acting specifically on behalf of Defendants.

125. During Plaintiffs' time as students at Defendants USC and Does 1 through 100, Dr.  
126. Kelly intentionally, recklessly, and wantonly did acts which resulted in harmful and offensive  
127. contact with intimate parts of Plaintiffs' persons, including but not limited to, using his position of  
128. authority and age to force Plaintiffs to give into Dr. Kelly's sexual suggestions.

26 126. Because of Plaintiffs' relationships with Dr. Kelly and Defendants USC and Does 1  
27 through 100, Dr. Kelly's status as the only full-time men's sexual health physician employed by  
28 Defendant USC's Student Health Center, and Plaintiffs' young age as students of USC, Plaintiffs

1 | were unable to easily terminate the relationship they had with the Defendants.

2       127. Because of Dr. Kelly's age and position of authority, physical seclusion of the  
3 Plaintiffs, Plaintiffs' mental and emotional state, and Plaintiffs' young age, Plaintiffs were unable  
4 to and did not and could not give consent to such acts.

5           128. Even though Defendants knew or should have known of these activities by Dr.  
6 Kelly, Defendants did nothing to investigate, supervise, or monitor Dr. Kelly to ensure the safety  
7 of the student-patients in their charge.

8        129. A corporation is a “person” within the meaning of Civil Code section 51.9 which  
9 subjects persons to liability for sexual harassment within the business, service or professional  
10 relationship, and such an entity defendant may be held liable under this statute for the acts of its  
11 employees. Further, principles of ratification apply when the principal ratifies the agent’s  
12 originally unauthorized harassment, as is alleged to have occurred herein.

13           130. Defendants' conduct and the conduct of their agents was a breach of their duties to  
14 Plaintiffs.

131. As a direct and proximate result of Defendant Dr. Kelly's unlawful conduct as  
alleged herein, Plaintiffs have suffered and continue to suffer economic loss, emotional distress,  
humiliation, embarrassment, anxiety, depression, shame, sadness, fear, anger, loss of self-esteem,  
loss of enjoyment of life, and impairment of daily life activities, all in an amount exceeding the  
jurisdictional limitations of the Superior Court and in an amount according to proof at trial.

**FIFTH CAUSE OF ACTION**  
Violation of the California Unruh Civil Rights Act, Civil Code § 51  
(Plaintiffs Against All Defendants)

22        132. Plaintiffs re-allege and incorporate by reference all allegations set forth in the  
23 preceding paragraphs as though fully set forth herein.

24       133. The Plaintiffs' civil rights were violated by Defendants USC and Does 1 through  
25 100 through its agents, actors, and employees, and intentionally concealed or ignored complaints  
26 of sexual abuse or harassment by Defendant Dr. Kelly. Plaintiffs had a right to be free from  
27 sexual orientation and gender discrimination, sexual abuse, molestation, and harassment under the  
28 Unruh Civil Rights Act.

1           134. Defendants USC, Dr. Kelly, and Does 1 through 100 were acting under the color of  
2 authority and in the scope of their employment during the instances when Plaintiffs were student-  
3 patients at USC.

4           135. Defendant USC denied Plaintiffs full and equal accommodations, advantages,  
5 facilities, privileges, and health care services because of their sexual orientation and gender by  
6 allowing Dr. Kelly unfettered access to sexually abuse, harass, and discriminate against Plaintiffs  
7 by and through his position of authority as the Student Health Center's only full-time men's sexual  
8 health physician with regular availability, by actively ignoring and concealing from Plaintiffs its  
9 knowledge that Dr. Kelly was discriminatory and a sexual predator.

10          136. By employing and retaining Dr. Kelly as the sole full-time men's health physician  
11 with regular availability at its Student Health Clinic, despite its knowledge of Dr. Kelly's abusive  
12 and discriminatory behavior, Defendant USC forced its male gay and bisexual patients to seek  
13 necessary medical treatment from Dr. Kelly, thereby exposing Plaintiffs to Dr. Kelly's sexual  
14 abuse and discrimination. Thus, Defendant USC's retention of Dr. Kelly denied Plaintiffs and all  
15 of its other young male gay and bisexual students, of full and equal access to safe medical  
16 facilities, treatment, and services based upon their sexual orientation and gender.

17          137. The substantial motivating reason for Defendants' conduct, including Defendant  
18 USC's conduct of ignoring and actively concealing reports and complaints of Dr. Kelly's  
19 misconduct, was Plaintiffs' sexual orientation and/or gender, as Defendants knew that its male  
20 students, including male gay and bisexual students, would seek sexual health treatment from Dr.  
21 Kelly and thus would be unwittingly subjected to his sexual misconduct and discrimination.

22          138. As a direct and proximate result of Defendant Dr. Kelly's unlawful conduct as  
23 alleged herein, Plaintiffs have suffered and continue to suffer economic loss, emotional distress,  
24 humiliation, embarrassment, anxiety, depression, shame, sadness, fear, anger, loss of self-esteem,  
25 loss of enjoyment of life, and impairment of daily life activities, all in an amount exceeding the  
26 jurisdictional limitations of the Superior Court and in an amount according to proof at trial.  
27 Plaintiffs are further entitled to actual damages, statutory damages, and treble damages according  
28 to proof.

**SIXTH CAUSE OF ACTION**  
**Violation of the Bane Act (Civil Code § 52.1)**  
**(Plaintiffs Against All Defendants)**

139. Plaintiffs re-allege and incorporate by reference all allegations set forth in the preceding paragraphs as though fully set forth herein.

140. Defendants' actions as alleged herein have had and will continue to interfere with Plaintiffs' right to be free from gender discrimination in the form of sexual harassment in an educational and collegiate athletic setting, codified under 20 U.S.C., § 1681. Plaintiffs further had a right to have Defendant USC respond immediately and investigate their sexual assault, molestation, harassment, and discrimination by Dr. Kelly.

141. During Plaintiffs' time as students at Defendant USC, Defendants engaged in oppressive and unlawful tactics in ignoring, concealing, and ultimately suppressing Plaintiffs' complaints of being sexually abused and discriminated against by Dr. Kelly. Plaintiffs were threatened, intimidated, and coerced from reporting Dr. Kelly's abusive conduct by Dr. Kelly's own intimidating and humiliating conduct as well as the conspiratorial silence and inaction of Defendant USC. These intentional acts of concealment of Dr. Kelly's abusive behavior violated the Plaintiffs' right to be free from discrimination on the basis of gender and sexual orientation.

142. Furthermore, Plaintiffs were deprived of Due Process of the law when various complaints to Defendant USC failed to trigger a report, investigation, or other action by Defendant USC who was required to do so under its own policies and procedures, as well as under Federal mandate and the Fourteenth Amendment. In addition, these actions were contrary to Plaintiffs' civil rights guaranteed under the Constitution of the State of California.

143. Defendants' wrongful conduct was intended to, and did successfully interfere with, Plaintiffs' Constitutional rights to be free from gender and sexual orientation discrimination and harassment as well as interfered with their Due Process rights under the United States Constitution and specifically the Fifth and Fourteenth Amendment.

144. Defendants unlawfully and wrongfully used or employed others to wrongfully use threats, intimidation, harassment, violence, and coercion over Plaintiffs' person, to which Plaintiffs had no relief except to submit to Defendants' wrongful threats, intimidations,

1 harassment, violence and coercion, which rendered Plaintiffs' submission involuntary.

2       145. Defendants' above-noted actions were the direct and proximate causes of physical,  
3 psychological, emotional, and economic damages, and damages to the Plaintiffs, who have  
4 suffered and continue to suffer to this date.

5        146. As a direct and proximate result of Defendant Dr. Kelly's unlawful conduct as  
6 alleged herein, Plaintiffs have suffered and continue to suffer economic loss, emotional distress,  
7 humiliation, embarrassment, anxiety, depression, shame, sadness, fear, anger, loss of self-esteem,  
8 loss of enjoyment of life, and impairment of daily life activities, all in an amount exceeding the  
9 jurisdictional limitations of the Superior Court and in an amount according to proof at trial.

10       147. The aforementioned conduct by Defendant Dr. Kelly was willful, wanton, and  
11 malicious. At all relevant times herein, Dr. Kelly acted with conscious disregard of the Plaintiffs'  
12 rights and feelings. Dr. Kelly also acted with the knowledge of or with reckless disregard for the  
13 fact that his conduct was certain to cause injury and/or harm to Plaintiffs. Plaintiffs are further  
14 informed and believe and thereon allege that Dr. Kelly intended to cause fear, physical injury,  
15 humiliation, embarrassment and/or pain and suffering to the Plaintiffs. By virtue of the foregoing,  
16 Plaintiffs are entitled to recover punitive damages from Dr. Kelly according to proof at trial.

17        148. In subjecting Plaintiffs to the treatment described herein, Defendants are entitled to  
18 compensatory damages in a sum according to proof, emotional distress damages, punitive  
19 damages attorney's fees, and other damages pursuant to Civil Code section 52(b)(1) and a  
20 temporary restraining order or a preliminary injunction or permanent injunction ordering  
21 Defendants to refrain from conduct or activities as alleged herein, and other such relief as the  
22 Court deems just and proper.

## **SEVENTH CAUSE OF ACTION**

## **Sexual Abuse and Discrimination in an Educational Setting (Education Code § 220) (Plaintiffs Against All Defendants)**

25        149. Plaintiffs re-allege and incorporate by reference all allegations set forth in the  
26 preceding paragraphs as though fully set forth herein.

27        150. Plaintiffs were harmed by being subjected to discrimination, abuse, molestation,  
28 sexual assault, and/or sexual harassment at USC because of Plaintiffs' gender and sexual

orientation, and Defendants are responsible for that harm.

151. Plaintiffs suffered abuse, harassment, and discrimination that was so severe, pervasive and offensive that it effectively deprived Plaintiffs of the right to equal access to educational benefits and opportunities.

152. Defendants had actual and/or constructive knowledge of this sexual abuse and discrimination because Defendant USC received and then ignored numerous complaints of Dr. Kelly's abuse, discrimination, and/or harassment.

153. In the face of this knowledge of sexual abuse, harassment, and discrimination that was being perpetrated on Plaintiffs by Dr. Kelly, Defendants acted with deliberate indifference toward responding to these alarms and preventing further abuse. Defendants allowed Dr. Kelly to remain as a physician at USC to sexually abuse, harass, and discriminate against other patients.

154. As a direct and proximate result of Dr. Kelly's unlawful conduct as alleged herein, Plaintiffs have suffered and continue to suffer economic loss, emotional distress, humiliation, embarrassment, anxiety, depression, shame, sadness, fear, anger, loss of self-esteem, loss of enjoyment of life, and impairment of daily life activities, all in an amount exceeding the jurisdictional limitations of the Superior Court and in an amount according to proof at trial.

155. The aforementioned conduct by Defendants was willful, wanton, and malicious. At all relevant times herein, Defendants acted with conscious disregard of the Plaintiffs' rights and feelings. Defendants also acted with the knowledge of or with reckless disregard for the fact that his conduct was certain to cause injury and/or harm to Plaintiffs. Plaintiffs are further informed and believe and thereon allege that Defendants intended to cause fear, physical injury, humiliation, embarrassment and/or pain and suffering to the Plaintiffs. By virtue of the foregoing, Plaintiffs are entitled to recover punitive damages from Defendants according to proof at trial.

## **EIGHTH CAUSE OF ACTION**

## **Negligent Hiring and Retention**

**(Plaintiffs Against Defendant USC and Does 1 through 100)**

156. Plaintiffs re-allege and incorporate by reference all allegations set forth in the preceding paragraphs as though fully set forth herein.

28 | 157. Defendant USC hired Dr. Kelly to be a men's healthy physician at its Student

1 Health Center.

2       158. Plaintiffs are informed and believe and thereon allege that Dr. Kelly was and/or  
3 became unfit and/or incompetent to perform work for which he was hired because of the sexual  
4 misconduct and discriminatory conduct he participated in towards young male gay and bisexual  
5 students. Plaintiffs are further informed and believe that Defendant USC learned that Dr. Kelly  
6 had been sexually harassing, discriminating against, and abusing young male gay and bisexual  
7 students and failed to take appropriate or corrective action. Plaintiffs are informed and believe  
8 that had Defendant USC taken prompt and correct action against Dr. Kelly, that Plaintiffs would  
9 not have been sexually battered, harassed, or discriminated against.

10      159. Defendants USC failed to use reasonable and ordinary care in order to avoid injury  
11 to Plaintiffs. This includes but is not limited to, Defendants' failure to exercise a duty of care to  
12 avoid Dr. Kelly's sexual battery, harassment, and discrimination of gay and bisexual male  
13 patients, including Plaintiffs, causing them injury.

14      160. Plaintiffs are informed and believe and thereon allege that Defendant USC knew or  
15 should have known that Plaintiffs were being subjected to unlawful battery and discrimination  
16 based on complaints that had been made to USC and its agents, employees, and staff.

17      161. Plaintiffs are informed and allege that despite being informed of Dr. Kelly's  
18 unlawful conduct, Defendant USC failed to discipline Dr. Kelly and kept him in their employ,  
19 thereby ratifying his conduct.

20      162. The conduct of USC constitutes negligence and is actionable under the laws of the  
21 State of California.

22      163. As a direct and proximate result of Defendants' conduct as alleged herein, Plaintiffs  
23 have suffered and continue to suffer economic loss, emotional distress, humiliation,  
24 embarrassment, anxiety, depression, shame, sadness, fear, anger, loss of self-esteem, loss of  
25 enjoyment of life, and impairment of daily life activities, all in an amount exceeding the  
26 jurisdictional limitations of the Superior Court and in an amount according to proof at trial.

27      164. The aforementioned conduct by Defendant USC was reckless and with conscious  
28 disregard of the Plaintiffs' rights. Plaintiffs are therefore entitled to recover punitive damages

from USC in an amount according to proof at trial.

## **NINTH CAUSE OF ACTION**

## Negligent Supervision

**(Plaintiffs Against Defendant USC and Does 1 through 100)**

165. Plaintiffs re-allege and incorporate by reference all allegations set forth in the preceding paragraphs as though fully set forth herein.

166. Defendants had a duty to provide Plaintiffs with a men's sexual health physician who would provide each of them with a professional STD exam and advice, devoid of any sexually harassing, abusive, assaulting, or discriminatory conduct.

167. Defendants and each of them owed Plaintiffs a duty of care to act in a reasonable and ordinary manner so as not to cause Plaintiffs foreseeable harm.

168. Defendants failed to use ordinary and reasonable care in order to avoid injury to Plaintiffs. This includes but it not limited to, Defendants' failure to exercise ordinary care to avoid Dr. Kelly's sexual abuse and discrimination of male gay and bisexual students, including Plaintiffs.

169. Defendant USC knew or had reason to believe Dr. Kelly was engaged in sexual misconduct and discrimination against male gay and bisexual students because students complained to USC regarding Dr. Kelly's conduct, and USC knew or should have known that Dr. Kelly created a particular risk to students. Defendant USC did not act in a reasonable manner when it failed to take appropriate and corrective action and continued to employ Dr. Kelly as the only men's health physician at the Student Health Center.

170. Plaintiffs are informed and believe and thereon allege that despite being informed of Dr. Kelly's unlawful conduct, Defendant USC failed to discipline Dr. Kelly and kept him in their employ, thereby ratifying his unlawful conduct.

171. As a direct and proximate result of Defendants' conduct as alleged herein, Plaintiffs have suffered and continue to suffer economic loss, emotional distress, humiliation, embarrassment, anxiety, depression, shame, sadness, fear, anger, loss of self-esteem, loss of enjoyment of life, and impairment of daily life activities, all in an amount exceeding the jurisdictional limitations of the Superior Court and in an amount according to proof at trial.

1       172. The aforementioned conduct by Defendant USC was reckless and with conscious  
2 disregard of the Plaintiffs' rights. Plaintiffs are therefore entitled to recover punitive damages  
3 from USC in an amount according to proof at trial.

**TENTH CAUSE OF ACTION**  
**Fraudulent Misrepresentation**  
**(Plaintiffs Against Defendant USC and Does 1 through 100)**

6       173. Plaintiffs re-allege and incorporate by reference all allegations set forth in the  
7 preceding paragraphs as though fully set forth herein.

8        174. By holding Dr. Kelly out as an agent of Defendants and by allowing him to  
9 undertake the care of young patients such as Plaintiffs, Defendants entered into a confidential,  
10 fiduciary, and special relationship with Plaintiffs. By holding themselves out as a preeminent  
11 collegiate facility, thereby enticing Plaintiffs to attend USC for undergraduate and graduate  
12 students, Defendants entered into a special and fiduciary relationship with Plaintiffs.

13        175. Defendant USC represented to Plaintiffs that Dr. Kelly was a safe, proper,  
14 professional physician, and that they would be receiving standard and appropriate men's sexual  
15 health examinations at USC, when in truth, Dr. Kelly was participating in misconduct and  
16 Plaintiffs were being abused, harassed, and discriminated against by Dr. Kelly.

176. Defendants' representation was false.

18        177. Defendants knew that the representation was false when made or Defendants made  
19 such a representation recklessly without regard for its truth.

178. Defendants intended that Plaintiffs rely on that representation, and Plaintiffs  
reasonably relied on Defendants' representation.

22        179. As a direct and proximate result of Defendants' unlawful conduct as alleged herein,  
23 Plaintiffs have suffered and continue to suffer economic loss, severe emotional distress,  
24 humiliation, embarrassment, anxiety, depression, shame, sadness, fear, anger, loss of self-esteem,  
25 loss of enjoyment of life, and impairment of daily life activities, all in an amount exceeding the  
26 jurisdictional limitations of the Superior Court and in an amount according to proof at trial.

27        180. Plaintiffs' reliance on Defendants' representation was a substantial factor in  
28 causing Plaintiffs' harm.

1        181. Defendants' conduct was reckless and with conscious disregard of Plaintiff's rights  
2 and safety. Plaintiffs are therefore entitled to an award of punitive damages against Defendants in  
3 an amount to be determined according to proof at trial.

**ELEVENTH CAUSE OF ACTION**  
**Fraudulent Concealment**  
**(Plaintiffs Against Defendant USC and Does 1 through 100)**

6       182. Plaintiffs re-allege and incorporate by reference all allegations set forth in the  
7 preceding paragraphs as though fully set forth herein.

8        183. By holding Dr. Kelly out as an agent of Defendants and by allowing him to  
9 undertake the care of young patients such as Plaintiffs, Defendants entered into a confidential,  
10 fiduciary, and special relationship with Plaintiffs. By holding themselves out as a preeminent  
11 collegiate facility, thereby enticing Plaintiffs to attend USC for undergraduate and graduate  
12 students, Defendants entered into a special and fiduciary relationship with Plaintiffs.

13        184. Defendant USC represented intentionally failed to disclose to Plaintiffs known  
14 facts or facts that could have been discovered by Defendants, including that USC had received  
15 complaints about Dr. Kelly’s misconduct in the past, and that Dr. Kelly engaged in inappropriate,  
16 abusive, harassing, and discriminatory conduct towards the gay and bisexual male student  
17 population at USC. Furthermore, USC prevented Plaintiffs from discovering such facts by failing  
18 to take appropriate action with respect to complaints made regarding Dr. Kelly, including  
19 investigations or reporting to the State Medical Board, silencing its students and staff to protect its  
20 own reputation, and allowing Dr. Kelly to continue treating patients for years. USC’s concealed  
21 this information with an intent to deceive Plaintiffs and other students at USC.

22       185. Plaintiffs were not aware of Dr. Kelly's discriminatory and abusive misconduct,  
23 and had they been aware, they would not have received medical treatment from Dr. Kelly nor  
24 subjected themselves to such harm.

25        186. As a direct and proximate result of USC's concealment, Plaintiffs were harmed and  
26 such concealment was a substantial factor in causing Plaintiffs' harm.

27        187. Defendants' conduct was reckless and with conscious disregard of Plaintiff's rights  
28 and safety. Plaintiffs are therefore entitled to an award of punitive damages against Defendants in

an amount to be determined according to proof at trial.

## **TWELFTH CAUSE OF ACTION**

## **Negligent Misrepresentation**

**(Plaintiffs Against Defendant USC and Does 1 through 100)**

188. Plaintiffs re-allege and incorporate by reference all allegations set forth in the preceding paragraphs as though fully set forth herein.

189. Defendant USC misrepresented that Dr. Kelly was a professional men's health physician, without reasonable ground for believing it to be true (insomuch as Defendants had been aware of Dr. Kelly's sexually inappropriate and discriminatory conduct) and with the intent to induce Plaintiffs' reliance on such misrepresentation.

190. Defendants represented to Plaintiffs that they were receiving a standard men's sexual health examination when in truth they were being sexually abused and discriminated against by Dr. Kelly.

191. Plaintiffs were ignorant of the truth and justifiably relied on Defendants' misrepresentation.

192. As a direct and proximate result of Defendants' unlawful conduct as alleged herein, Plaintiffs have suffered and continue to suffer economic loss, severe emotional distress, humiliation, embarrassment, anxiety, depression, shame, sadness, fear, anger, loss of self-esteem, loss of enjoyment of life, and impairment of daily life activities, all in an amount exceeding the jurisdictional limitations of the Superior Court and in an amount according to proof at trial.

## **THIRTEENTH CAUSE OF ACTION**

# **Intentional Infliction of Emotional Distress**

## **(Plaintiffs Against All Defendants)**

193. Plaintiffs re-allege and incorporate by reference all allegations set forth in the preceding paragraphs as though fully set forth herein.

194. By engaging in the above-described conduct, including Dr. Kelly's pervasive sexual abuse and discrimination and USC's disregard for complaints regarding Dr. Kelly's misconduct and continued employ of Dr. Kelly, Defendants engaged in extreme and outrageous conduct with the intention of causing, or with reckless disregard of the probability of causing, emotional distress.

1           195. As a direct and proximate result of Defendants' unlawful conduct as alleged herein,  
2 Plaintiffs have suffered and continue to suffer severe emotional distress, including humiliation,  
3 embarrassment, anxiety, depression, shame, sadness, fear, anger, loss of self-esteem, loss of  
4 enjoyment of life, and impairment of daily life activities, all in an amount exceeding the  
5 jurisdictional limitations of the Superior Court and in an amount according to proof at trial.

6       196. The aforementioned conduct by Defendants was willful, wanton, and malicious. At  
7 all relevant times herein, Defendants acted with conscious disregard of the Plaintiffs' rights and  
8 feelings. Defendants also acted with the knowledge of or with reckless disregard for the fact that  
9 his conduct was certain to cause injury and/or harm to Plaintiffs. Plaintiffs are further informed  
10 and believe and thereon allege that Defendants intended to cause fear, physical injury, humiliation,  
11 embarrassment and/or pain and suffering to the Plaintiffs. By virtue of the foregoing, Plaintiffs  
12 are entitled to recover punitive damages from Defendants according to proof at trial.

## **FOURTEENTH CAUSE OF ACTION**

## **Negligence**

**(Plaintiffs Against Defendants USC and Does 1 through 100)**

15        197. Plaintiffs re-allege and incorporate by reference all allegations set forth in the  
16 preceding paragraphs as though fully set forth herein.

17       198. Prior to and after the first incident of Dr. Kelly's sexual harassment, abuse, and  
18 discrimination of Plaintiffs, through the present, Defendants, knew and/or should have known that  
19 Dr. Kelly had and was capable of sexually, physically, and mentally abusing, harassing, and  
20 discriminating against Plaintiffs or other victims.

199. Defendants and each of them had special duties to protect the Plaintiffs and other  
young student-patients, when such individuals were entrusted to Defendants' care. Plaintiffs' care,  
welfare and physical custody was entrusted to Defendants. Defendants voluntarily accepted the  
entrusted care of Plaintiffs. As such, Defendants owed Plaintiffs a special duty of care that adults  
and medical professionals dealing with vulnerable medical patients and young students owe to  
protect them from harm. The duty to protect and warn arose from the special, trusting,  
confidential, and fiduciary relationship between Defendants and Plaintiffs.

28 200. Defendants breached their duties of care to the Plaintiffs by allowing Dr. Kelly to

1 come into contact with the Plaintiffs and other student-patients without effective supervision; by  
2 failing to adequately hire and supervise Dr. Kelly and by continuing to retain Dr. Kelly whom they  
3 permitted and enabled to have access to Plaintiffs; by concealing from Plaintiffs, the public and  
4 law enforcement that Dr. Kelly was sexually abusing and discriminating against patients; and by  
5 holding Dr. Kelly out to Plaintiffs as being of high moral and ethical repute, in good standing and  
6 trustworthy.

7        201. Defendants breached their duties to Plaintiffs by failing to investigate or otherwise  
8 confirm or deny such facts of sexual abuse and discrimination by Dr. Kelly, failing to reveal such  
9 facts to Plaintiffs, the community and law enforcement agencies, and by placing Dr. Kelly into a  
10 position of trust and authority, holding him out to Plaintiffs and the public as being in good  
11 standing and trustworthy.

12        202. Defendants breached their duty to Plaintiffs by failing to adequately monitor and  
13 supervise Dr. Kelly and by failing to prevent Dr. Kelly from discriminating against, and  
14 committing wrongful acts with patients, including Plaintiffs. Because of students' complaints to  
15 Defendants regarding Dr. Kelly's conduct, Defendants knew or should have known of Dr. Kelly's  
16 incapacity to serve as a team physician, physician, and faculty member at Defendants' institutions,  
17 providing for the physical care of young male gay and bisexual students.

18        203. As a direct and proximate result of Defendants' unlawful conduct as alleged herein,  
19 Plaintiffs have suffered and continue to suffer severe emotional distress, including humiliation,  
20 embarrassment, anxiety, depression, shame, sadness, fear, anger, loss of self-esteem, loss of  
21 enjoyment of life, and impairment of daily life activities, all in an amount exceeding the  
22 jurisdictional limitations of the Superior Court and in an amount according to proof at trial.

**FIFTEENTH CAUSE OF ACTION**  
Unfair Business Practices (Business & Professions Code § 17200)  
**(Plaintiffs Against All Defendants)**

25        204. Plaintiffs re-allege and incorporate by reference all allegations set forth in the  
26 preceding paragraphs as though fully set forth herein.

27        205. Plaintiffs are informed and believe and thereon allege that Defendants have  
28 engaged in unlawful, unfair and deceptive business practices including allowing Dr. Kelly to

1 engage in repeated abuse and discrimination of student-patients, including Plaintiffs, and failing to  
2 take all reasonable steps to prevent discrimination and abuse from occurring. The unlawful, unfair  
3 and deceptive business practices also included failing to adequately investigate, vet, and evaluate  
4 individuals for employment with Defendants USC and Does 1 through 100, refusing to design,  
5 implement, and oversee policies regarding sexual misconduct and discrimination of student-  
6 patients in a reasonable manner that is customary in similar educational environments. Plaintiffs  
7 are informed and believe and on that basis allege that Dr. Kelly and Defendants USC and Does 1  
8 through 100 have engaged in unlawful, unfair and deceptive business practices including  
9 concealing sexual abuse, harassment, and/or discrimination claims by student-patients, such as  
10 Plaintiffs, so as to retain other similarly situated students and to not deter prospective students who  
11 were not apprised of such illicit sexual misconduct and discrimination by Dr. Kelly.

12 206. Plaintiffs are informed and believe that Defendants engaged in a common scheme,  
13 arrangement or plan to actively conceal allegations against sexual abusers who were employees,  
14 agents, members, and/or participants at Defendants USC and Does 1 through 100, including Dr.  
15 Kelly, such that Defendants USC and Does 1 through 100 could maintain their public image, and  
16 avoid detection of such abuse and discrimination. Plaintiffs are informed and believe and thereon  
17 allege that Defendants actively concealed these allegations, such that Defendants would be  
18 insulated from public scrutiny, governmental oversight, and/or investigation from various law  
19 enforcement agencies, all done in order to maintain the false sense of safety for participants and  
20 their families and to perpetuate the program financially.

21 207. By engaging in unlawful, unfair and deceptive business practices, Dr. Kelly and  
22 Defendants USC and Does 1 through 100 benefitted financially to the detriment of its competitors,  
23 who had to comply with the law. Unless restrained, Defendants USC and Does 1 through 100 will  
24 continue to engage in the unfair acts and business practices described above, resulting in great and  
25 irreparable harm to Plaintiffs and/or other similarly situated participants and members.

26 208. Plaintiffs seek restitution for all amounts improperly obtained by Dr. Kelly and  
27 Defendants USC and Does 1 through 100 through the use of the above-mentioned unlawful  
28 business practices, as well as the disgorgement of all ill-gotten gains and restitution on behalf of

KELLOGG & VAN AKEN LLP

1 Plaintiffs and all other similarly situated student-patients who were also subjected to Dr. Kelly and  
2 Defendants USC and Does 1 through 100 illegal and unfair business practices.

3        209. Pursuant to section 17203 of the California Business and Professions Code and  
4 available equitable powers, Plaintiffs are entitled to a preliminary and permanent injunction,  
5 enjoining Dr. Kelly, Defendants USC and Does 1 through 100 from continuing the unlawful and  
6 unfair business practices described above. Further, Plaintiffs seek the appointment of a court  
7 monitor to enforce its orders regarding client safety. In addition, Plaintiffs are entitled to recover  
8 reasonable attorneys' fees pursuant to the California Business and Professions Code and section  
9 1021.5 of the California Code of Civil Procedure.

## **PRAYER FOR RELIEF**

11 WHEREFORE, Plaintiffs pray judgment be entered in their favor and against Defendants,  
12 and each of them, as follows:

- 13        1. For special damages in an amount according to proof;  
14        2. For general damages in an amount according to proof;  
15        3. For restitution of unjust revenue collected and costs incurred;  
16        4. For exemplary and punitive damages pursuant to Civil Code section 3294 or as  
17 otherwise allowed by law;  
18        5. For any appropriate statutory damages;  
19        6. For reasonable attorney's fees;  
20        7. For costs of suit incurred herein;  
21        8. For declaratory and injunctive relief, including but not limited to court supervision  
22 of Defendant USC; and  
23        9. For such other and further relief as the Court deems just and proper

24 | DATED: February 11, 2019

## KELLOGG & VAN AKEN LLP

By Mikayla G. Kellogg  
Mikayla Gow Kellogg, Esq.  
Kelly D. Van Aken, Esq.  
Attorney for Plaintiffs

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**JURY TRIAL DEMANDED**

2

Plaintiffs hereby demand a trial of all issues by jury.

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DATED: February 11, 2019

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KELLOGG & VAN AKEN LLP

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By 

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Mikayla Gow Kellogg

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Kelly D. Van Aken

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Attorney for Plaintiffs

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**SUMMONS**  
**(CITACION JUDICIAL)**

**NOTICE TO DEFENDANT:** UNIVERSITY OF SOUTHERN CALIFORNIA, a California Corporation; DENNIS A. KELLY, M.D., an Individual; and DOES 1 through 100, inclusive,

FOR COURT USE ONLY  
(SOLO PARA USO DE LA CORTE)

**YOU ARE BEING SUED BY PLAINTIFF:**  
**(LO ESTÁ DEMANDANDO EL DEMANDANTE):**

JOHN DOE 1, an Individual, JOHN DOE 2, an Individual, JOHN DOE 3, an Individual, JOHN DOE 4, an Individual, JOHN DOE 5, an Individual, and JOHN DOE 6, an Individual

**NOTICE!** You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)), or by contacting your local court or county bar association. **NOTE:** The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. **¡AVISO!** *Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.*

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California ([www.sucorte.ca.gov](http://www.sucorte.ca.gov)), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), en el Centro de Ayuda de las Cortes de California, ([www.sucorte.ca.gov](http://www.sucorte.ca.gov)) o poniéndose en contacto con la corte o el colegio de abogados locales. AVISO: Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

The name and address of the court is: Los Angeles County Superior Court  
(El nombre y dirección de la corte es): Stanley Mosk Courthouse  
111 N. Hill Street  
Los Angles, California 90012

CASE NUMBER:  
(Número del Caso):

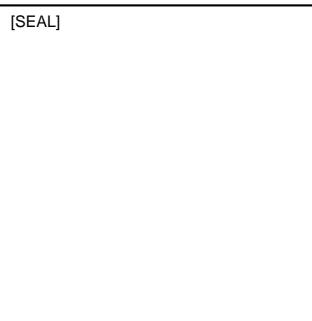
The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:  
(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):  
Mikayla Kellogg, Kelly Van Aken, KELLOGG & VAN AKEN LLP, 1 Embarcadero Center, Suite 500, San Francisco, CA 94111  
(415) 539-3100

DATE: \_\_\_\_\_ Clerk, by \_\_\_\_\_ , Deputy  
(Fecha) (Secretario) \_\_\_\_\_ (Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)  
(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

**NOTICE TO THE PERSON SERVED:** You are served

1.  as an individual defendant.
2.  as the person sued under the fictitious name of (specify):  
  
3.  on behalf of (specify):  
under:  CCP 416.10 (corporation)  CCP 416.60 (minor)  
 CCP 416.20 (defunct corporation)  CCP 416.70 (conservatee)  
 CCP 416.40 (association or partnership)  CCP 416.90 (authorized person)  
 other (specify):
4.  by personal delivery on (date):



ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):  
**Mikayla G. Kellogg, SBN 268185; Kelly D. Van Aken, SBN 274175  
 KELLOGG & VAN AKEN LLP  
 1 Embarcadero Center, Suite 500  
 San Francisco, CA 94111**

FOR COURT USE ONLY

TELEPHONE NO.: (415) 539-3100 FAX NO.: (415) 539-3101  
 ATTORNEY FOR (Name): Plaintiffs John Doe 1, et al.

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES**

STREET ADDRESS: 111 N. Hill Street

MAILING ADDRESS: 111 N. Hill Street

CITY AND ZIP CODE: Los Angeles, CA 90012

BRANCH NAME: Stanley Mosk Courthouse

**CASE NAME:**

John Doe 1, et al. v. University of Southern California, et al.

<b>CIVIL CASE COVER SHEET</b>		<b>Complex Case Designation</b>	CASE NUMBER:
<input checked="" type="checkbox"/> <b>Unlimited</b> (Amount demanded exceeds \$25,000)		<input type="checkbox"/> <b>Limited</b> (Amount demanded is \$25,000 or less)	JUDGE:
		<input type="checkbox"/> <b>Counter</b> <input type="checkbox"/> <b>Joinder</b> Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)	DEPT:

*Items 1–6 below must be completed (see instructions on page 2).*

1. Check **one** box below for the case type that best describes this case:

<b>Auto Tort</b>	<b>Contract</b>	<b>Provisionally Complex Civil Litigation</b> (Cal. Rules of Court, rules 3.400–3.403)
<input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46)	<input type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Rule 3.740 collections (09) <input type="checkbox"/> Other collections (09) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37)	<input type="checkbox"/> Antitrust/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Mass tort (40) <input type="checkbox"/> Securities litigation (28) <input type="checkbox"/> Environmental/Toxic tort (30) <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41)
<b>Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort</b>	<b>Real Property</b>	<b>Enforcement of Judgment</b>
<input type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (45) <input checked="" type="checkbox"/> Other PI/PD/WD (23)	<input type="checkbox"/> Eminent domain/Inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26)	<input type="checkbox"/> Enforcement of judgment (20)
<b>Non-PI/PD/WD (Other) Tort</b>	<b>Unlawful Detainer</b>	<b>Miscellaneous Civil Complaint</b>
<input type="checkbox"/> Business tort/unfair business practice (07) <input type="checkbox"/> Civil rights (08) <input type="checkbox"/> Defamation (13) <input type="checkbox"/> Fraud (16) <input type="checkbox"/> Intellectual property (19) <input type="checkbox"/> Professional negligence (25) <input type="checkbox"/> Other non-PI/PD/WD tort (35)	<input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38)	<input type="checkbox"/> RICO (27) <input type="checkbox"/> Other complaint (not specified above) (42)
<b>Employment</b>	<b>Judicial Review</b>	<b>Miscellaneous Civil Petition</b>
<input type="checkbox"/> Wrongful termination (36) <input type="checkbox"/> Other employment (15)	<input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re: arbitration award (11) <input type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39)	<input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition (not specified above) (43)

2. This case  is  is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:

- a.  Large number of separately represented parties
- b.  Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve
- c.  Substantial amount of documentary evidence
- d.  Large number of witnesses
- e.  Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court
- f.  Substantial postjudgment judicial supervision

3. Remedies sought (check all that apply): a.  monetary b.  nonmonetary; declaratory or injunctive relief c.  punitive

4. Number of causes of action (specify): Fifteen (15)

5. This case  is  is not a class action suit.

6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: February 11, 2019

Mikayla G. Kellogg

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

**NOTICE**

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on **all** other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

Page 1 of 2

## INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET

**To Plaintiffs and Others Filing First Papers.** If you are filing a first paper (for example, a complaint) in a civil case, you **must** complete and file, along with your first paper, the *Civil Case Cover Sheet* contained on page 1. This information will be used to compile statistics about the types and numbers of cases filed. You must complete items 1 through 6 on the sheet. In item 1, you must check **one** box for the case type that best describes the case. If the case fits both a general and a more specific type of case listed in item 1, check the more specific one. If the case has multiple causes of action, check the box that best indicates the **primary** cause of action. To assist you in completing the sheet, examples of the cases that belong under each case type in item 1 are provided below. A cover sheet must be filed only with your initial paper. Failure to file a cover sheet with the first paper filed in a civil case may subject a party, its counsel, or both to sanctions under rules 2.30 and 3.220 of the California Rules of Court.

**To Parties in Rule 3.740 Collections Cases.** A "collections case" under rule 3.740 is defined as an action for recovery of money owed in a sum stated to be certain that is not more than \$25,000, exclusive of interest and attorney's fees, arising from a transaction in which property, services, or money was acquired on credit. A collections case does not include an action seeking the following: (1) tort damages, (2) punitive damages, (3) recovery of real property, (4) recovery of personal property, or (5) a prejudgment writ of attachment. The identification of a case as a rule 3.740 collections case on this form means that it will be exempt from the general time-for-service requirements and case management rules, unless a defendant files a responsive pleading. A rule 3.740 collections case will be subject to the requirements for service and obtaining a judgment in rule 3.740.

**To Parties in Complex Cases.** In complex cases only, parties must also use the *Civil Case Cover Sheet* to designate whether the case is complex. If a plaintiff believes the case is complex under rule 3.400 of the California Rules of Court, this must be indicated by completing the appropriate boxes in items 1 and 2. If a plaintiff designates a case as complex, the cover sheet must be served with the complaint on all parties to the action. A defendant may file and serve no later than the time of its first appearance a joinder in the plaintiff's designation, a counter-designation that the case is not complex, or, if the plaintiff has made no designation, a designation that the case is complex.

### Auto Tort

- Auto (22)–Personal Injury/Property Damage/Wrongful Death
- Uninsured Motorist (46) (*if the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto*)

### Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort

- Asbestos (04)
- Asbestos Property Damage
- Asbestos Personal Injury/Wrongful Death
- Product Liability (*not asbestos or toxic/environmental*) (24)
- Medical Malpractice (45)
- Medical Malpractice–Physicians & Surgeons
- Other Professional Health Care Malpractice
- Other PI/PD/WD (23)
- Premises Liability (e.g., slip and fall)
- Intentional Bodily Injury/PD/WD (e.g., assault, vandalism)
- Intentional Infliction of Emotional Distress
- Negligent Infliction of Emotional Distress
- Other PI/PD/WD

### Non-PI/PD/WD (Other) Tort

- Business Tort/Unfair Business Practice (07)
- Civil Rights (e.g., discrimination, false arrest) (*not civil harassment*) (08)
- Defamation (e.g., slander, libel) (13)
- Fraud (16)
- Intellectual Property (19)
- Professional Negligence (25)
- Legal Malpractice
- Other Professional Malpractice (*not medical or legal*)
- Other Non-PI/PD/WD Tort (35)

### Employment

- Wrongful Termination (36)
- Other Employment (15)

### CASE TYPES AND EXAMPLES

#### Contract

- Breach of Contract/Warranty (06)
- Breach of Rental/Lease
  - Contract (*not unlawful detainer or wrongful eviction*)
- Contract/Warranty Breach–Seller Plaintiff (*not fraud or negligence*)
- Negligent Breach of Contract/Warranty
- Other Breach of Contract/Warranty
- Collections (e.g., money owed, open book accounts) (09)
- Collection Case–Seller Plaintiff
- Other Promissory Note/Collections Case
- Insurance Coverage (*not provisionally complex*) (18)
- Auto Subrogation
- Other Coverage
- Other Contract (37)
- Contractual Fraud
- Other Contract Dispute

#### Real Property

- Eminent Domain/Inverse Condemnation (14)
- Wrongful Eviction (33)
- Other Real Property (e.g., quiet title) (26)
- Writ of Possession of Real Property
- Mortgage Foreclosure
- Quiet Title
- Other Real Property (*not eminent domain, landlord/tenant, or foreclosure*)

#### Unlawful Detainer

- Commercial (31)
- Residential (32)
- Drugs (38) (*if the case involves illegal drugs, check this item; otherwise, report as Commercial or Residential*)

#### Judicial Review

- Asset Forfeiture (05)
- Petition Re: Arbitration Award (11)
- Writ of Mandate (02)
  - Writ–Administrative Mandamus
  - Writ–Mandamus on Limited Court Case Matter
  - Writ–Other Limited Court Case Review
- Other Judicial Review (39)
  - Review of Health Officer Order
  - Notice of Appeal–Labor Commissioner Appeals

#### Provisionally Complex Civil Litigation (Cal. Rules of Court Rules 3.400–3.403)

- Antitrust/Trade Regulation (03)
- Construction Defect (10)
- Claims Involving Mass Tort (40)
- Securities Litigation (28)
- Environmental/Toxic Tort (30)
- Insurance Coverage Claims (*arising from provisionally complex case type listed above*) (41)

#### Enforcement of Judgment

- Enforcement of Judgment (20)
- Abstract of Judgment (Out of County)
- Confession of Judgment (*non-domestic relations*)
- Sister State Judgment
- Administrative Agency Award (*not unpaid taxes*)
- Petition/Certification of Entry of Judgment on Unpaid Taxes
- Other Enforcement of Judgment Case

#### Miscellaneous Civil Complaint

- RICO (27)
- Other Complaint (*not specified above*) (42)
- Declaratory Relief Only
- Injunctive Relief Only (*non-harassment*)
- Mechanics Lien
- Other Commercial Complaint Case (*non-tort/non-complex*)
- Other Civil Complaint (*non-tort/non-complex*)

#### Miscellaneous Civil Petition

- Partnership and Corporate Governance (21)
- Other Petition (*not specified above*) (43)
- Civil Harassment
- Workplace Violence
- Elder/Dependent Adult Abuse
- Election Contest
- Petition for Name Change
- Petition for Relief From Late Claim
- Other Civil Petition

**CIVIL CASE COVER SHEET ADDENDUM AND  
STATEMENT OF LOCATION  
(CERTIFICATE OF GROUNDS FOR ASSIGNMENT TO COURTHOUSE LOCATION)**

This form is required pursuant to Local Rule 2.3 in all new civil case filings in the Los Angeles Superior Court.

**Step 1:** After completing the Civil Case Cover Sheet (Judicial Council form CM-010), find the exact case type in Column A that corresponds to the case type indicated in the Civil Case Cover Sheet.

**Step 2:** In Column B, check the box for the type of action that best describes the nature of the case.

**Step 3:** In Column C, circle the number which explains the reason for the court filing location you have chosen.

**Applicable Reasons for Choosing Court Filing Location (Column C)**

- |  |  |
|--|--|
| 1. Class actions must be filed in the Stanley Mosk Courthouse, Central District. | 7. Location where petitioner resides.  |
| 2. Permissive filing in central district.  | 8. Location wherein defendant/respondent functions wholly.   |
| 3. Location where cause of action arose.   | 9. Location where one or more of the parties reside.   |
| 4. Mandatory personal injury filing in North District.                           | 10. Location of Labor Commissioner Office.   |
| 5. Location where performance required or defendant resides.                     | 11. Mandatory filing location (Hub Cases – unlawful detainer, limited non-collection, limited collection, or personal injury). |
| 6. Location of property or permanently garaged vehicle.                          |  |

	<b>A</b> Civil Case Cover Sheet Category No.	<b>B</b> Type of Action (Check only one)	<b>C</b> Applicable Reasons - See Step 3 Above
<b>Auto Tort</b>	Auto (22)	<input type="checkbox"/> A7100 Motor Vehicle - Personal Injury/Property Damage/Wrongful Death	1, 4, 11
	Uninsured Motorist (46)	<input type="checkbox"/> A7110 Personal Injury/Property Damage/Wrongful Death – Uninsured Motorist	1, 4, 11
<b>Other Personal Injury/ Property Damage/Wrongful Death Tort</b>	Asbestos (04)	<input type="checkbox"/> A6070 Asbestos Property Damage <input type="checkbox"/> A7221 Asbestos - Personal Injury/Wrongful Death	1, 11 1, 11
	Product Liability (24)	<input type="checkbox"/> A7260 Product Liability (not asbestos or toxic/environmental)	1, 4, 11
	Medical Malpractice (45)	<input type="checkbox"/> A7210 Medical Malpractice - Physicians & Surgeons <input type="checkbox"/> A7240 Other Professional Health Care Malpractice	1, 4, 11 1, 4, 11
	Other Personal Injury Property Damage Wrongful Death (23)	<input type="checkbox"/> A7250 Premises Liability (e.g., slip and fall) <input type="checkbox"/> A7230 Intentional Bodily Injury/Property Damage/Wrongful Death (e.g., assault, vandalism, etc.) <input type="checkbox"/> A7270 Intentional Infliction of Emotional Distress <input checked="" type="checkbox"/> A7220 Other Personal Injury/Property Damage/Wrongful Death	1, 4, 11 1, 4, 11 1, 4, 11 1, 4, 11

SHORT TITLE: John Doe 1, et al. v. University of Southern California, et al.	CASE NUMBER
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Non-Personal Injury/ Property Damage/Wrongful Death Tort

Employment

Contract

Real Property

Unlawful Detainer

A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Business Tort (07)	<input type="checkbox"/> A6029 Other Commercial/Business Tort (not fraud/breach of contract)	1, 2, 3
Civil Rights (08)	<input type="checkbox"/> A6005 Civil Rights/Discrimination	1, 2, 3
Defamation (13)	<input type="checkbox"/> A6010 Defamation (slander/libel)	1, 2, 3
Fraud (16)	<input type="checkbox"/> A6013 Fraud (no contract)	1, 2, 3
Professional Negligence (25)	<input type="checkbox"/> A6017 Legal Malpractice <input type="checkbox"/> A6050 Other Professional Malpractice (not medical or legal)	1, 2, 3 1, 2, 3
Other (35)	<input type="checkbox"/> A6025 Other Non-Personal Injury/Property Damage tort	1, 2, 3
Wrongful Termination (36)	<input type="checkbox"/> A6037 Wrongful Termination	1, 2, 3
Other Employment (15)	<input type="checkbox"/> A6024 Other Employment Complaint Case <input type="checkbox"/> A6109 Labor Commissioner Appeals	1, 2, 3 10
Breach of Contract/ Warranty (06) (not insurance)	<input type="checkbox"/> A6004 Breach of Rental/Lease Contract (not unlawful detainer or wrongful eviction) <input type="checkbox"/> A6008 Contract/Warranty Breach -Seller Plaintiff (no fraud/negligence) <input type="checkbox"/> A6019 Negligent Breach of Contract/Warranty (no fraud) <input type="checkbox"/> A6028 Other Breach of Contract/Warranty (not fraud or negligence)	2, 5 2, 5 1, 2, 5 1, 2, 5
Collections (09)	<input type="checkbox"/> A6002 Collections Case-Seller Plaintiff <input type="checkbox"/> A6012 Other Promissory Note/Collections Case <input type="checkbox"/> A6034 Collections Case-Purchased Debt (Charged Off Consumer Debt Purchased on or after January 1, 2014)	5, 6, 11 5, 11 5, 6, 11
Insurance Coverage (18)	<input type="checkbox"/> A6015 Insurance Coverage (not complex)	1, 2, 5, 8
Other Contract (37)	<input type="checkbox"/> A6009 Contractual Fraud <input type="checkbox"/> A6031 Tortious Interference <input type="checkbox"/> A6027 Other Contract Dispute(not breach/insurance/fraud/negligence)	1, 2, 3, 5 1, 2, 3, 5 1, 2, 3, 8, 9
Eminent Domain/Inverse Condemnation (14)	<input type="checkbox"/> A7300 Eminent Domain/Condemnation	Number of parcels _____ 2, 6
Wrongful Eviction (33)	<input type="checkbox"/> A6023 Wrongful Eviction Case	2, 6
Other Real Property (26)	<input type="checkbox"/> A6018 Mortgage Foreclosure <input type="checkbox"/> A6032 Quiet Title <input type="checkbox"/> A6060 Other Real Property (not eminent domain, landlord/tenant, foreclosure)	2, 6 2, 6 2, 6
Unlawful Detainer-Commercial (31)	<input type="checkbox"/> A6021 Unlawful Detainer-Commercial (not drugs or wrongful eviction)	6, 11
Unlawful Detainer-Residential (32)	<input type="checkbox"/> A6020 Unlawful Detainer-Residential (not drugs or wrongful eviction)	6, 11
Unlawful Detainer-Post-Foreclosure (34)	<input type="checkbox"/> A6020F Unlawful Detainer-Post-Foreclosure	2, 6, 11
Unlawful Detainer-Drugs (38)	<input type="checkbox"/> A6022 Unlawful Detainer-Drugs	2, 6, 11

SHORT TITLE: John Doe 1, et al. v. University of Southern California, et al.	CASE NUMBER
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	A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Judicial Review	Asset Forfeiture (05)	<input type="checkbox"/> A6108 Asset Forfeiture Case	2, 3, 6
	Petition re Arbitration (11)	<input type="checkbox"/> A6115 Petition to Compel/Confirm/Vacate Arbitration	2, 5
	Writ of Mandate (02)	<input type="checkbox"/> A6151 Writ - Administrative Mandamus <input type="checkbox"/> A6152 Writ - Mandamus on Limited Court Case Matter <input type="checkbox"/> A6153 Writ - Other Limited Court Case Review	2, 8 2 2
	Other Judicial Review (39)	<input type="checkbox"/> A6150 Other Writ /Judicial Review	2, 8
Provisionally Complex Litigation	Antitrust/Trade Regulation (03)	<input type="checkbox"/> A6003 Antitrust/Trade Regulation	1, 2, 8
	Construction Defect (10)	<input type="checkbox"/> A6007 Construction Defect	1, 2, 3
	Claims Involving Mass Tort (40)	<input type="checkbox"/> A6006 Claims Involving Mass Tort	1, 2, 8
	Securities Litigation (28)	<input type="checkbox"/> A6035 Securities Litigation Case	1, 2, 8
	Toxic Tort Environmental (30)	<input type="checkbox"/> A6036 Toxic Tort/Environmental	1, 2, 3, 8
	Insurance Coverage Claims from Complex Case (41)	<input type="checkbox"/> A6014 Insurance Coverage/Subrogation (complex case only)	1, 2, 5, 8
Enforcement of Judgment	Enforcement of Judgment (20)	<input type="checkbox"/> A6141 Sister State Judgment <input type="checkbox"/> A6160 Abstract of Judgment <input type="checkbox"/> A6107 Confession of Judgment (non-domestic relations) <input type="checkbox"/> A6140 Administrative Agency Award (not unpaid taxes) <input type="checkbox"/> A6114 Petition/Certificate for Entry of Judgment on Unpaid Tax <input type="checkbox"/> A6112 Other Enforcement of Judgment Case	2, 5, 11 2, 6 2, 9 2, 8 2, 8 2, 8, 9
Miscellaneous Civil Complaints	RICO (27)	<input type="checkbox"/> A6033 Racketeering (RICO) Case	1, 2, 8
	Other Complaints (Not Specified Above) (42)	<input type="checkbox"/> A6030 Declaratory Relief Only <input type="checkbox"/> A6040 Injunctive Relief Only (not domestic/harassment) <input type="checkbox"/> A6011 Other Commercial Complaint Case (non-tort/non-complex) <input type="checkbox"/> A6000 Other Civil Complaint (non-tort/non-complex)	1, 2, 8 2, 8 1, 2, 8 1, 2, 8
Miscellaneous Civil Petitions	Partnership Corporation Governance (21)	<input type="checkbox"/> A6113 Partnership and Corporate Governance Case	2, 8
	Other Petitions (Not Specified Above) (43)	<input type="checkbox"/> A6121 Civil Harassment <input type="checkbox"/> A6123 Workplace Harassment <input type="checkbox"/> A6124 Elder/Dependent Adult Abuse Case <input type="checkbox"/> A6190 Election Contest <input type="checkbox"/> A6110 Petition for Change of Name/Change of Gender <input type="checkbox"/> A6170 Petition for Relief from Late Claim Law <input type="checkbox"/> A6100 Other Civil Petition	2, 3, 9 2, 3, 9 2, 3, 9 2 2, 7 2, 3, 8 2, 9

SHORT TITLE: John Doe 1, et al. v. University of Southern California, et al.	CASE NUMBER
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**Step 4: Statement of Reason and Address:** Check the appropriate boxes for the numbers shown under Column C for the type of action that you have selected. Enter the address which is the basis for the filing location, including zip code. (No address required for class action cases).

<b>REASON:</b>  <input type="checkbox"/> 1. <input type="checkbox"/> 2. <input type="checkbox"/> 3. <input type="checkbox"/> 4. <input type="checkbox"/> 5. <input type="checkbox"/> 6. <input type="checkbox"/> 7. <input type="checkbox"/> 8. <input type="checkbox"/> 9. <input type="checkbox"/> 10. <input checked="" type="checkbox"/> 11.		<b>ADDRESS:</b> University of Southern California	
CITY: Los Angeles	STATE: CA	ZIP CODE: 90007	

**Step 5: Certification of Assignment:** I certify that this case is properly filed in the Central District of the Superior Court of California, County of Los Angeles [Code Civ. Proc., §392 et seq., and Local Rule 2.3(a)(1)(E)].

Dated: February 11, 2019

(SIGNATURE OF ATTORNEY/FILING PARTY)  
Mikayla G. Kellogg

**PLEASE HAVE THE FOLLOWING ITEMS COMPLETED AND READY TO BE FILED IN ORDER TO PROPERLY COMMENCE YOUR NEW COURT CASE:**

1. Original Complaint or Petition.
2. If filing a Complaint, a completed Summons form for issuance by the Clerk.
3. Civil Case Cover Sheet, Judicial Council form CM-010.
4. Civil Case Cover Sheet Addendum and Statement of Location form, LACIV 109, LASC Approved 03-04 (Rev. 02/16).
5. Payment in full of the filing fee, unless there is court order for waiver, partial or scheduled payments.
6. A signed order appointing the Guardian ad Litem, Judicial Council form CIV-010, if the plaintiff or petitioner is a minor under 18 years of age will be required by Court in order to issue a summons.
7. Additional copies of documents to be conformed by the Clerk. Copies of the cover sheet and this addendum must be served along with the summons and complaint, or other initiating pleading in the case.